

**JUVENILE JUSTICE MONITORING UNIT
STATE OF MARYLAND**

2016 THIRD QUARTER REPORT

The Maryland Juvenile Justice Monitoring Unit (JJMU)

The Juvenile Justice Monitoring Unit (JJMU) is an independent state agency housed in the Office of the Maryland Attorney General.

The mission of the JJMU is to promote the positive transformation of the juvenile justice system to meet the needs of Maryland's youth, families, and communities. This mission is accomplished by collaborating with all who are involved with the juvenile justice system.

The JJMU is responsible for reporting on Maryland Department of Juvenile Services (DJS/the Department) operated and licensed programs across the state. Monitors from the unit conduct unannounced facility visits to guard against abuse and ensure youth receive appropriate treatment and services.

JJMU 2016 Third Quarter Report Compendium

The JJMU issues public reports covering each calendar quarter. Enclosed please find the compilation of 2016 third quarter reports from the Maryland Juvenile Justice Monitoring Unit. This report compendium provides data and analysis concerning treatment of and services provided to youth in DJS directly run and licensed facilities throughout Maryland.

The Department of Juvenile Services' response and a response from the Maryland State Department of Education are included, as indicated on the contents page.

The JJMU 2016 Third Quarter Report was produced by Margi Joshi, Nick Moroney, Tim Snyder and Eliza Steele. Thanks to Taran Henley, Terri Jarman, Fritz Schantz, and Maria Welker for technical assistance.

We respectfully submit this report to the Governor, members of the General Assembly, the Secretary of Juvenile Services, and members of the State Advisory Board for Juvenile Services as required under Maryland law.

Current and prior reports of the Maryland Juvenile Justice Monitoring Unit and related responses are available through our website at:

<http://www.marylandattorneygeneral.gov/Pages/JJM/default.aspx>



NICK MORONEY
Director

STATE OF MARYLAND
JUVENILE JUSTICE MONITORING UNIT

December 2016

The Honorable Lawrence J. Hogan, Jr., Governor
State of Maryland

The Honorable Thomas V. Mike Miller, Jr., President of the Senate
Maryland General Assembly

The Honorable Michael E. Busch, Speaker of the House of Delegates
Maryland General Assembly

Members of the General Assembly

The Honorable Sam J. Abed, Secretary
Department of Juvenile Services

The Honorable Arlene F. Lee, Executive Director
Governor's Office for Children

Members of the State Advisory Board for Juvenile Services
c/o Department of Juvenile Services

Dear Governor Hogan, Senate President Miller, Speaker of the House Busch, Members of the General Assembly, Secretary Abed, Director Lee, and State Advisory Board Members:

As discussed in the "Juvenile Justice Reform in Maryland" section of this report, the Maryland Department of Juvenile Services (DJS/the Department) has (together with other stakeholders) worked with increasing success to reduce the unnecessary use of residential facilities to hold youth facing challenges and in contact with the justice system.

There is still more to be accomplished in further limiting the use of secure detention and committed placement for youth of all risk levels. The Department and the State of Maryland

should commit to statewide expansion of appropriate community-based and non-residential alternatives to secure placement and secure detention facilities.

The probation system should be examined as part of an effective alternative approach. There are wide disparities in the average length of probation in the juvenile system from jurisdiction to jurisdiction across Maryland and excessive probation time can lead to petty violations and increase the odds against youth succeeding in the community and also to inappropriate placement in a residential facility.

Youth in every DJS facility are entitled to an evidence-based behavior system and those in committed facilities are entitled to evidence-based treatment. The Department has committed to replacing the Challenge behavior management approach with PBIS, a proven system. The Department is also adopting TAMAR, a series of trauma-informed treatment modules, in DJS committed facilities. The Department has also begun to examine family engagement with a view toward expanding opportunities for family involvement with youth throughout the DJS system.

To foster a rehabilitative environment youth confined to facilities should also have constructive activities scheduled, planned and carried out throughout each day (including on weekends).

In order to help ensure implementation and success regarding all of these substantial commitments, the Department (with help from the State) will need to be able to expand staffing beyond basic mandated ratios. The hiring system will also need to be streamlined and retention rates will have to be vastly improved.

The Department of Juvenile Services has made real progress toward better conditions and results for Maryland youth. Committing to championing the expansion of community-based resources and services will help to make permanent the Department's growing success in helping youth to help themselves.

Respectfully submitted,

Nick Moroney

Nick Moroney
Director
Maryland Juvenile Justice Monitoring Unit

Cc: Attorney General Brian Frosh
Chief Deputy Attorney General Elizabeth Harris
Deputies Attorney General Carolyn Quattrocki and Donna Hill Staton
Ms. Christine Buckley, Treasurer's Office
Deputy Secretary Linda McWilliams, Mr. Karl Pothier and Mr. Jay Cleary, DJS
Margi Joshi, Tim Snyder and Eliza Steele, JJMU

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Secure Detention Centers

Short-term, pre-disposition/pending placement

- Baltimore City Juvenile Justice Center (BCJJC)
- Cheltenham Youth Facility (CYF)
- Charles H. Hickey, Jr., School (Hickey)
- Thomas J.S. Waxter Children's Center (Waxter)
- Alfred D. Noyes Children's Center (Noyes)
- Western Maryland Children's Center (WMCC)
- Lower Eastern Shore Children's Center (LESCC)

Committed Placement Centers

Long-term, post-disposition

- Victor Cullen Center (Cullen)
- J. DeWeese Carter Center (Carter)
- Backbone Mountain, Green Ridge, Savage Mountain, Meadow Mountain youth centers (Four youth centers)
- Silver Oak Academy (SOA)

Incident and Population Trends

Third quarter 2016 population and incident trends versus the same time last year:

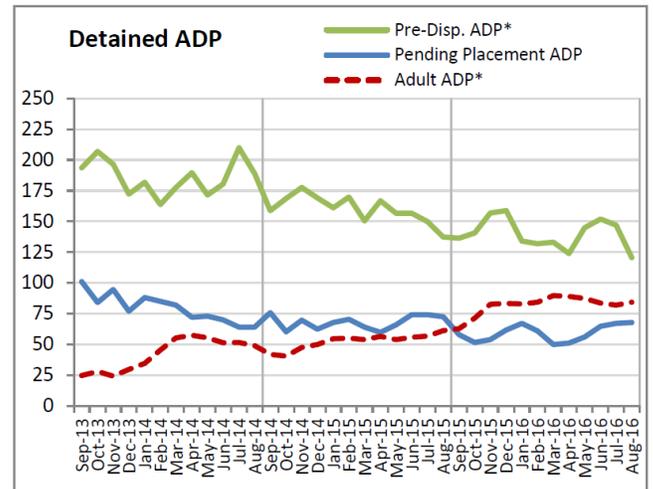
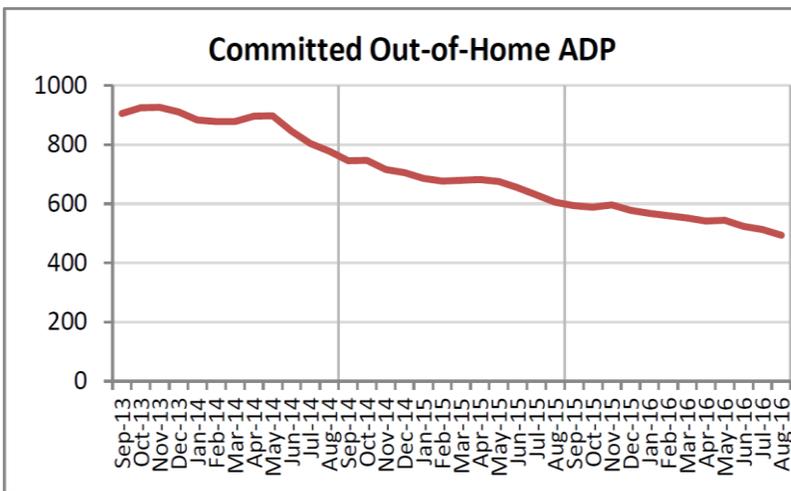
- ✓ Average daily populations (ADP) of youth decreased at Hickey and Waxter secure detention centers and in committed placement centers at Carter, Cullen, and SOA.
- ✓ Fights and assaults decreased in secure detention at BCJJC, Hickey, and Waxter and in committed placement at Carter.
- ✓ Physical restraints decreased in secure detention at BCJJC, Hickey, and Waxter.
- ✓ Mechanical restraints were not used in secure detention at LESCC or in committed placement at Carter. The use of mechanical restraints decreased in secure detention at BCJJC, Hickey, and Waxter.
- ✓ Seclusion was not used in secure detention at LESCC and was only used once in secure detention at WMCC. The use of seclusion decreased in secure detention at BCJJC, Hickey, Waxter.
- Average daily population (ADP) increased substantially at the four youth centers. ADP also increased in secure detention at BCJJC, CYF, and Noyes.
- Fights and assaults increased in secure detention at CYF, Noyes, WMCC, and LESCC, and in committed placement at Silver Oak, Cullen, and the four youth centers.
- Physical restraints increased in secure detention at CYF, Noyes, WMCC, and LESCC and in committed placement at Cullen, Silver Oak, and the four youth centers.
- Mechanical restraints increased in secure detention at CYF, Noyes, and WMCC, and in committed placement at Cullen and the four youth centers
- Seclusion increased in detention at CYF, and WMCC, and in committed placement at Victor Cullen.
- There were 42 incidents of suicide ideation, 11 incidents of self-injurious behavior, and one suicide attempt at DJS-operated facilities during the quarter.

JUVENILE JUSTICE REFORM IN MARYLAND

Juvenile Justice Reform in Maryland

Population

Efforts by the Maryland Department of Juvenile Services (DJS/the Department) to reduce the utilization of residential facilities, particularly for youth at low-risk of reoffending, has resulted in an overall reduction in population of youth in detention and committed placement centers since 2013, as the graphs below illustrate. These efforts should continue as “[r]esearch shows that confinement, on average, has a limited and sometimes even negative effect on youth outcomes and is the most expensive intervention available;” and experts suggest “prioritizing services for youth most likely to reoffend and...minimizing the use of confinement.”¹



¹ Prior to Jul '13 Adult data were included in Pre-Disp. Data.

Despite these reductions, the most recently available data indicates that a substantial number—27%—of commitments to DJS are the result of a technical violation of probation.² Other data shows that 24.5% of youth in committed placement centers during fiscal year 2015 were there for misdemeanor property offenses.³

The courts and DJS should work together to further limit the use of detention and committed placement centers, including for youth assessed as high-risk,⁴ by privileging the utilization of community-based interventions. The Department should expand initiatives such as

¹ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014). Page 11. <https://csqjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>

² Annie E. Casey Foundation and the Department of Juvenile Services. “Doors to DJS Commitment.” January 2015. Page 43. <http://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

³ Maryland Department of Juvenile Services. Data Resource Guide FY 2015. Page 131. http://djs.maryland.gov/Documents/2015_Full_DRG_revised_Nov_2016.pdf

⁴ Interventions such as YAP (Youth Advocate Programs) have been proven successful in keeping high-risk youth arrest free while in the community. For more information, see <https://johnjayrec.nyc/tag/yap/>

the Crossover Youth Model, the Juvenile Detention Alternatives Initiative, and Living Classrooms Children’s Target Investment Zone so as they are available across the state. Evening reporting centers, such as the one in Montgomery County which serves as an alternative to detention, could be broadened to also serve as an alternative to committed placement in a residential facility.⁵

Limiting Probation

Extensive lengths of stay on probation can increase the likelihood of re-incarceration for technical violations.⁶ The average length of probation for youths in Maryland ranges from 198 days in Talbot County to 777 days in Garrett County.⁷

Limiting the use of probation and tailoring its terms to focus on an individual youth’s underlying needs can also help keep kids out of the deep-end of the system while providing an effective community-based intervention, including for higher-risk youth.⁸ Research suggests that systems should incorporate “more reasonable supervision conditions that are understandable, realistically achievable, directly tied to probation goals, and minimize the need for constant oversight,” rather than terms that are heavily surveillance oriented⁹ in order to enhance the effectiveness of probation.

The Department has begun training some staff in the Behavioral Health Diversion Initiative, which seeks to divert certain low-risk youth with mental health needs away from juvenile court involvement and into a specialized probation program.¹⁰ Implementation of this initiative marks a first step in the direction of prioritizing the use of community-based interventions and strict adherence to the model will be key to its success. Beyond diverting low-risk youth away from the juvenile court system, the Department should enhance the overall probation system so that it is responsive to the underlying rehabilitative needs of higher-risk youth and can serve as an effective alternative to placement in a residential facility.

Behavior Management and Treatment Programming

The Department has a points and level behavior management system called Challenge in all DJS-operated detention and committed placement centers.¹¹ This system—which is not a therapeutic program—determines a child’s eligibility for certain privileges and, for youth in

⁵ Development Services Group, Inc. 2014. “Alternatives to Detention and Confinement.” Literature Review. Washington, DC.: Office of Juvenile Justice and Delinquency Prevention. Page 3.

<http://www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf>

⁶ National Juvenile Justice Network. “Snapshot: Probation.” August, 2016. http://www.njjn.org/uploads/njjn-publications/Probation-Snapshot_FINAL.pdf

⁷ Maryland Department of Juvenile Services, “Juvenile Probation Duration, FY 2016.” October, 2016.

⁸ National Juvenile Justice Network. “Snapshot: Probation.” August, 2016.

⁹ Id.

¹⁰ See, <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=357> for more information.

¹¹ For more information on the Challenge behavior management system see the JJMU Fourth Quarter Report and 2015 Annual Review, page 6. Available at: http://www.marylandattorneygeneral.gov/JJM%20Documents/JJMU_2015_Annual.pdf

committed placement centers, guides length of stay. Plans to replace the existing behavior management system with PBIS,¹² provide all DJS committed placement center staff with a trauma-informed training, and implement the TAMAR trauma treatment modules¹³ should go forward without delay. Trauma-informed training for direct-care workers should be expanded to encompass all staff in DJS-operated detention centers as well. Implementation of the alternative behavior management system and the trauma-informed treatment modules should include ongoing training and development for all DJS staff and strict adherence to each model through long-term collaboration with and oversight by their developers.

Staffing

Sufficient staffing levels are necessary to maintain a safe facility environment and provide high quality care to kids. Several DJS facilities (see Noyes, p. 44, youth centers, p. 18, and Victor Cullen, p. 13) have ongoing staffing shortages which have adversely impacted facility operations and contributed to a significantly higher number of staffers required to work overtime.¹⁴ Excessive overtime can lead to staff burnout, call-outs, and further attrition. The Department should address employee hiring and retention issues, taking into account the recommendations below.

Expedite the hiring process to fill vacancies quickly.

Due to a protracted hiring process, newly open positions can take weeks to get posted and it may take several more months before they are filled. Positions should be posted and advertised as soon as they become available and the hiring process should be streamlined to ensure that vacancies are filled without delay.

Provide incentives to attract highly qualified personnel.

To attract and retain a qualified pool of employees, direct-care staff in DJS facilities should receive competitive salary and benefits that are comparable to jobs in similar fields, such as adult corrections. Adult correctional officers are currently eligible for retirement benefits after 20 years of service while DJS employees must work 30 years for full retirement benefits. This disparity should be rectified. Research suggests that staffers with a college degree have more effective behavior management skills and are more likely to use techniques, such as verbal encouragement and positive reinforcement, in their interactions with youth.¹⁵ Employees with a college degree should receive higher salaries and all staff should be provided with tuition assistance to promote increased educational attainment.

¹² For more information, please see: <https://www.pbis.org/>

¹³ For more information, please see: <http://www.nasmhpd.org/content/trauma-addictions-mental-health-and-recovery-tamar-treatment-manual-and-modules>

¹⁴ In FY16, the average number of hours of overtime per pay period for DJS workers was 15, 047. The current (FY17) average overtime hours per pay period is 15,800. Facility direct care staff account for the vast majority of overtime hours. <http://djs.maryland.gov/Documents/publications/DJS-Performance-Report-Sep-18-2016.pdf>

¹⁵ Roush, D. "Juvenile Detention Training Needs Assessment." Office of Juvenile Justice and Delinquency Prevention. (April, 1996). Page 8. Available at: <https://www.ncjrs.gov/pdffiles/jdtna.pdf>

Collaborate with facility administrators to increase staff morale.

The Department should work with detention center and committed placement facility administrators to develop staff appreciation programs to foster a positive and supportive working environment. Staff demonstrating an exemplary work ethic should be recognized and rewarded. Supportive services to help staff manage job stress should be easily accessible and utilization of these services should be encouraged.

Provide comprehensive and on-going training and mentoring to help staff respond to youth needs.

Staff need be equipped with the knowledge and skills necessary to provide a safe, structured, and therapeutically responsive environment for the children under their care. Extensive training in adolescent development and mental health, the principles of trauma informed care, crisis intervention and de-escalation, and evidenced-based strategies to address children's underlying mental health and behavioral issues should be provided on a continuous basis and reinforced through a staff mentorship program to help direct-care staff meet the demands of working with detained or committed youth.

Family Engagement

Families want to, and should be supported in, remaining actively involved in their child's life while their child is detained or committed.¹⁶ Family engagement is linked with reduced recidivism rates and positive academic, behavioral and mental health outcomes for youth.¹⁷

- The Department should shift resources from remote facilities to small residential and nonresidential programs closer to youths' families and communities

Family contact is especially vital for kids sent to the remotely-located DJS committed placement facilities, as they may spend several months to even a year separated from their loved ones. Families may have a difficult time visiting their child in placement because of distance and transportation issues. Instead of providing transportation services from a parent's home to the facility where their child is located, DJS requires parents to first travel to a DJS site in Laurel or Baltimore before beginning the journey to see their child. The round trip can take a full day.

The current model of placing children in isolated facilities far from their home is not compatible with ongoing family involvement. Instead, the state of Maryland should invest in smaller residential and non-residential programs run by treatment experts and located close to a youth's family and community. As noted by juvenile justice experts, "most youth prisons are located far from home, making it much more difficult to maintain family ties or facilitate gradual

¹⁶ Vera Institute of Justice. "Family Engagement in the Juvenile Justice System."

<http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-juvenile-justice.pdf>

¹⁷ Ryan Shanahan, and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Page 3.

<http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-for-juvenile-justice-agencies.pdf>

transitions into community-based programming, both of which are critical to long-term success. The only viable option is to replace large youth prisons with smaller, more home-like facilities close to youth's communities."¹⁸

- The Department should increase opportunities for visitation and phone contact with family

The Department limits youth contact with family to two 10-minute phone calls per week and two 2-hour visits on designated days per week. These limitations apply to youth in long-term committed placement facilities, where the Department has a mandate to provide rehabilitative services, as well as in short-term detention centers. Usually only two immediate family members 16 years old and over are allowed to visit at a time. On occasion, the Department has allowed special visits outside of the usual hours or with siblings under 16, children of youth, or extended family members. Special visits must be requested by a youth, arranged through facility case managers and approved by facility superintendents.¹⁹

The Department should increase phone time to allow youth to connect with families more often. Flexible visitation policies that allow for more days for visitation at times that are convenient for individual family members should also be adopted. Families should be provided transportation services from their home to facilities if needed. Visitation should be open to any supportive individuals in the child's life, as research indicates that "youth with strong and diverse support systems have better outcomes".²⁰

Plans to incorporate increased family contact as part of a youth's treatment regimen should go forward.

- The Department should increase the availability and duration of home passes

Home passes assist youth in successfully transitioning from the facility to their local community. Currently, some youth can earn up to two home passes during their length of stay in some committed placement centers as part of the behavior management system. Home passes of gradually increasing duration should be incorporated at every DJS-operated committed placement center.

- The Department should ensure youth privacy during phone contact with family members

In 2014, phones were installed in the common areas of each of the DJS detention and committed placement facilities under an existing contract between a private company that operates telecommunication systems in adult prisons and the Maryland Department of Public

¹⁸ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Page 27. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

¹⁹ Md. Dept. of Juvenile Services Policy and Procedure RF-706-15

²⁰ Ryan Shanahan, and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Page 1. <http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-for-juvenile-justice-agencies.pdf>

Safety and Correctional Services. Under the new system, youth phone calls to family members are recorded.

During the quarter, the Frederick County state's attorney's office subpoenaed a child's phone records while he was detained at the Western Maryland Children's Center (WMCC) for use as potential evidence in the case against him.

The location of phones in common areas of the facility and the recording of youth calls to family members also infringes on youth privacy, deters family contact, and exposes youth to a risk of possible legal harm.

In addition to privacy concerns, technical problems with the phone system are a recurrent issue that can prevent calls from going through or cause them to be disconnected before a child's ten-minute allotment has expired.

The Department should stop recording youth phone calls and permanently address technical problems with the phones.

LGBTQ²¹ Youth in DJS Facilities

Several transgender girls in DJS custody were automatically held in male detention facilities and in at least one documented incident (136891) a transgender youth was harassed based on her gender identity by another child. In addition, at times transgender youth have been segregated from the general population and placed on the infirmary for their protection.

In line with best practices, DJS should adopt a presumption of housing children on units that are consistent with their gender identity²² and emphasize creating a physically and emotionally safe environment for LGBTQ youth throughout DJS facilities.

A small group of case managers and supervisory staff were selected to receive in-depth training on addressing the needs of LGBTQ youth provided by experts from a local organization. Specialized training on serving LGBTQ youth should be expanded to include all DJS staff. Training should be accompanied by specific written policies and guidance, in addition to PREA-related policies, that establish the rights and protect the needs of LGBTQ youth specifically.²³ Any existing policies and practices that do not affirm and respect LGBTQ youth should be changed.

²¹ Lesbian, gay, bisexual, transgender, and queer/questioning. For more information please see: Youth Equality Alliance, "Living in the Margins: A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems" 2014, Baltimore: FreeState Legal Project. Available at: <https://freestate-justice.org/wp-content/uploads/2013/11/YEA-Report-2014.pdf>

²² Annie E. Casey Foundation. "Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System." 2015. Page 30. <http://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>

²³ <http://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf> 28; Other child-serving state agencies, such as the Department of Human Resources, can serve as a model in adopting up to date policies on working with LGBTQ youth. [http://dhr.maryland.gov/documents/SSA%20Policy%20Directives/Child%20Welfare/SSA%2017-08%20Working%20with%20Lesbian,%20Gay,%20Bisexual,%20Transgender,%20and%20Questioning%20\(LGBTQ\)%20Youth%20and%20Families.pdf](http://dhr.maryland.gov/documents/SSA%20Policy%20Directives/Child%20Welfare/SSA%2017-08%20Working%20with%20Lesbian,%20Gay,%20Bisexual,%20Transgender,%20and%20Questioning%20(LGBTQ)%20Youth%20and%20Families.pdf)

COMMITTED PLACEMENT CENTERS

Victor Cullen Center

Victor Cullen Center (Cullen), in Frederick County, is a maximum security committed placement center owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 48 boys. African American youth comprised 80% of total entries during the third quarter of 2016, compared to 88% during the same period last year.

Victor Cullen – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	45	33	26
1. Youth on Youth Assault/Fight	30	16	18
2. Alleged Youth on Staff Assault	6	7	5
3. Physical Restraint	69	37	83
4. Use of Handcuffs and/or Shackles	45	27	60
5. Seclusion	34	15	36
6. Contraband	1	1	2
7. Suicide Ideation	1	1	11
8. Suicide Attempt	0	0	1
9. Self-Injurious Behavior	0	0	3

Average daily population during the quarter decreased by 21% compared to the same time last year while fights and assaults increased by 13%. Physical restraints, mechanical restraints, and seclusions all more than doubled. Incidents of suicide ideation increased from one to eleven.

Physical Restraints

As mentioned above, there was a substantial increase in the utilization of physical restraints during the third quarter. The Department's policy governing the use of Crisis

Prevention Management techniques²⁴ prohibits the use of physical restraints except as a last resort and only when youth present an imminent risk of harm to themselves or others.²⁵

The incidents below highlight the need to enhance training so that direct-care workers are equipped with effective interventions to properly respond to and support youth who are exhibiting challenging behavior.

In incident 138469, a youth was upset about a delay in his court proceedings. Staffers directed him to return to his cell but the youth instead walked towards the dayroom, still upset about his court date. A staffer grabbed him to stop him from going into the dayroom and the youth became more aggressive. Other staff responded to help restrain him. When the incident was investigated by the Department's internal investigatory unit, Office of the Inspector General (OIG), the youth reported that "he just felt that [the staffer] could have handled the situation without restraining him."

The DJS policy governing the use of physical restraints specifically prohibits their use for the purposes of enforcing compliance or demonstrating authority. However, according to the OIG investigation into incident 138697, an administrator instructed a staffer to "get some people together and move [a youth]" from his living unit to the ISU—a self-contained and restrictive housing unit—stating that the youth "does not have a choice and will not be allowed to dictate what [staff] do." The youth refused to walk to the ISU because he thought "staff was 'being shady' and trying to make it so that he [spent] the rest of his time at Victor Cullen in ISU."

The staffer and another supervisor talked to the youth for about ten minutes. The youth continued to refuse to move to the ISU and one of the supervisory staffers allegedly said, "We are done talking." He then "lunge[d] forward and wrap[ped] his arms around the youth" who was sitting on a chair with his legs on a table. Other staff moved in and "[pulled [the youth] out of the chair onto the floor...face down" and put him in handcuffs and leg irons. After he was restrained, the youth became aggressive and struggled against the restraint. The staffers held the youth "off the floor by one arm and one leg," and put him back on the floor so they could adjust the handcuffs before the supervisor "flip[ped] him onto his stomach and pick[ed] the youth up using the handcuffs as a handle." The staffers carried him outside and the supervisor continued to hold the youth in this manner. They placed him down on the ground again before the youth stood up and walked with the staffers.

As they approached the ISU, the youth was restrained to the ground again where he was held face down in the grass. According to the youth, he lost his breath when the staffers took him to the ground and repeatedly told staff he couldn't breathe during the restraint because the supervisor was holding him down by leaning on his knee into the youth's back. The supervisor reported that the child was "acting psychotic" and other staff said that the youth was kicking and fighting on the ground. The staffers again picked the child up by each limb and carried him into a cell on the ISU. Inside the room, the youth allegedly bit one staffer and attempted to kick

²⁴ Crisis Prevention Management refers to "the method, protocol, maneuver or procedure that DJS authorizes, for facility employees to manage the behavior, restrict or restrain movement or actions of youth." Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

²⁵ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

another. He was put on seclusion for almost four hours, and remained in mechanical restraints for over 45 minutes. The youth said that “he was crying the whole time because it hurt so badly” and that he “kept crying afterward in the room.”

Frederick County child protective services was contacted in regards to the youth’s allegations and the report was screened out (i.e. not investigated) because there was no documented injury. The Maryland State Police charged the child with second degree assault. A staffer interviewed by the Department’s OIG investigator reported that he “did not feel like CPM training gave any guidelines on how to handle a situation like that.” The supervisor said that while “there is no formal training” that instructs staff to carry a youth in the manner they did, “when a youth refuses to walk he does not see any other option.”

While the Department’s CPM policy specifically prohibits the use of restraints to enforce compliance, there is insufficient training for staff on how to effectively respond to challenging youth behavior that, while difficult, is neither aggressive nor warrants the use of physical interventions like restraints or seclusions. According to experts in the provision of trauma-informed services in juvenile justice facilities, staff “are frequently primarily trained in behavior management and disciplinary techniques, rather than in interpersonal communication, influence, and engagement... [and] may have little awareness or understanding of youth’s histories and mental health or traumatic stress issues, and limited training in how to respond to youth in distress.”²⁶ The Department’s plans to provide all staff with trauma-informed training should go forward without delay.

Structure, Culture, and Safety

Increases in incidents of aggression, restraints, and seclusion, as well as the nature of certain incidents during the quarter suggest that concerns about the overall culture and level of safety at Victor Cullen have yet to be comprehensively addressed. A youth who was interviewed during the quarter commented that “no one wants to look weak or get bullied.” Another youth described Victor Cullen as “loud and violent.”

The Department should increase staffing levels beyond basic ratio standards and improve staff training. Comprehensive staffing would allow direct-care workers to maintain a safe environment, comprehensively supervise youth, and appropriately intervene when youth exhibit challenging behavior. Plans to provide all staff with a trauma-informed training, implement a series of trauma treatment modules,²⁷ and replace the Challenge behavior management system with the evidence-based PBIS model²⁸ should go forward as expeditiously as possible. The Department should also assure strict adherence to the PBIS program and trauma-informed modules. Enhanced staffing would also enable the Department to implement a full schedule of

²⁶ Julian Ford and Margaret Blaustein. “Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs.” *Journal of Family Violence*. October, 2013. Available at: http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

²⁷ For more information, please see: <http://www.nasmhpd.org/content/trauma-addictions-mental-health-and-recovery-tamar-treatment-manual-and-modules>

²⁸ For more information, please see: <https://www.pbis.org/>

constructive activities for youth which is essential to improving the structure and culture at Victor Cullen.

Lack of comprehensive supervision

In incident 137750, a fifteen year old youth was assaulted by three other kids during downtime on a weekday morning. A staffer who was present at the time of the incident neither intervened nor documented the assault in an incident report. The youth later reported to two other staff that he “got jumped,” and these staffers generated an incident report. According to the OIG investigation and video footage, the youth and staffer were present on the unit when one of the aggressors in the incident swung his fist toward the victim’s face. The victim was chased by two other aggressors and forced into a corner while the staffer was “seated at a table looking in the direction of the youth.” All three youth punched and kicked the child in the corner for approximately ten seconds before walking away. The staffer present remained seated at a table looking in the direction of the youths taking part in the assault. During an interview with an OIG investigator, the youth who had been assaulted asked (in reference to the assaultive group of youth), “Will they know I’m talking to you? Because I don’t feel like them messing with me today.” The staffer who did not intervene during the incident stated that he was not supposed to be working due to a medical condition but that staffing shortages required him to be drafted for a mandatory second shift at the end of his scheduled workday.

In incident 137644, three youths made one another lose consciousness in part by leaning the body weight of two children on one child’s chest while he sat in a chair. Two of the youth took turns losing consciousness while three different staffers looked on from about six to seven feet away without intervening. According to the OIG investigation into the incident, staff who were present at the time stated they did not intervene because although they did not know specifically what the kids were doing, the kids were “laughing and joking the whole time. If they were cussing that would have been different.”

The Department should ensure that staffing levels, training, and ongoing management oversight are sufficient to maintain youth safety and promote a positive environment at Victor Cullen.

Lack of structure

Details from other incidents suggest that there is a lack of consistent structure and order in daily unit activity. The OIG investigation into 138023 noted that when staffers arrived on the Intensive Services Unit (ISU) with a youth who was being restrained, a door between the dayroom and a hallway was not closed or secured and two youth ran down the hallway towards the youth being restrained.

According to the OIG investigation into incident 138472, video footage shows four kids “running around the dayroom being defiant acting disorderly and even standing on a table.” A staffer brought two of the youth into the office to facilitate phone calls and the two other youth pushed their way into the office. When the kids were told to leave the office by another staffer, the situation escalated into a restraint and alleged assault on staff. A supervisor reviewing the

incident commented that the “youth are extremely hostile and aggressive towards staff and have been for weeks.”

In incident 137798, there were three youth on the Intensive Services Unit (ISU). According to the OIG investigation in to the incident, two of the youth “had been tampering with the door that leads into the sally port” when a staffer tried to move them away and get a screw that one of the youth had removed. One of the youth gave the staffer the screw. The youth then yelled “youth assistance” and another youth subsequently grabbed the staffer by the arms. The staffer’s hand “was observed making contact with [the youth’s] face” causing the youth’s head to “go backwards to the left.” Another youth then poked the staffer who then “chase[d] [the youth] into the dayroom.” The youth poked the staffer again and she “turn[ed] to go chase him again... [then] stop[ped] and turn[ed] back around.” The other youth then approached the staffer and hit her in the face before another staffer restrained him and took him to his cell.

The Department should ensure that staff are trained and supported to establish and consistently maintain a structured environment. Reducing downtime on the unit and keeping youth engaged in a full schedule of constructive activities is also key to creating a structured environment.

Intensive Services Unit

There is a self-contained, restrictive housing unit called the Intensive Services Unit (ISU) that is designed to house youth who have been involved in aggressive incidents and who DJS identifies as in need of enhanced supports. However, the ISU at Victor Cullen is not consistently utilized appropriately. For instance, according to the OIG investigation into incident 138023, an administrator directed staff to send a youth to the ISU because “he was refusing to move with his group and not complying with staff directives.”

When youth are on the ISU, they are automatically precluded from moving through the levels of the behavior management system that determines length of stay, regardless of their behavior. As a result, some youth perceive placement on the ISU as a punitive sanction rather than a supportive intervention.

The Department should clarify criteria for admission and release to the ISU, ensure that staff and administrators adhere to such procedures, and intensify the delivery of therapeutic services on the ISU. Youth should not be moved to the ISU for noncompliance. Youth who are on the ISU should not be barred from advancing their level in the behavior system. These adjustments to the ISU are especially important in light of research which shows the significance of fairness to adolescents in the juvenile justice system.²⁹

²⁹ National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck, Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

Structured Recreational Programming

Throughout the quarter, youth reported a lack of engaging or constructive programming throughout the day. The Department should enhance structured recreational and therapeutic programming to keep youth engaged in positive activities and minimize downtime.

Several youth reported that physical exercise would help them relieve stress, anger, and anxiety. However, the weight room was not accessible to youth during much of the quarter either because it was closed for maintenance or the recreation specialist was absent. Administrators at Victor Cullen should ensure the weight room is properly maintained and that staffing arrangements allow youth to access it on a daily basis.

During the quarter, all youth were able to participate in a mural painting project. The Department should continue these opportunities for constructive programming and expand youth access to other positive activities on evenings and weekends. A variety of constructive activities should be available to all youth at Victor Cullen.

Therapeutic Programming

The Department's plans to replace the current behavior management system, implement trauma-informed treatment modules, and train all staff accordingly should go forward without delay to help establish a therapeutic culture at Victor Cullen.

During the quarter, youth reported a need for increased opportunities to resolve interpersonal issues that arise between youth and that can lead to negative group dynamics and even incidents. Community conferencing or other restorative justice practices should be employed in collaboration with mental health or case management staff to help youth promptly resolve conflicts and constructively respond to interpersonal issues. Direct-care and supervisory staff should be trained to effectively intervene in group dynamics to help maintain a positive group culture instead of responding to youth conflict by issuing behavior reports and separating youth by housing unit after a physical assault.

At the end of the quarter, there were two vacancies for mental health clinicians. The Department should expedite the hiring of mental health therapists to ensure youth access to counseling services and help establish a treatment-oriented culture.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Victor Cullen.

During the quarter, multiple teacher vacancies led to inconsistencies in the provision of classroom instruction. MSDE JSES should systematically examine the adequacy of current staff and resource levels to help improve retention and ensure the delivery of comprehensive education services on a daily basis. A system for accessing substitute teachers should be established without delay.

The career technology education teacher position has been vacant for several months, leaving students without any vocational education programming while they are in placement at Cullen. The Department and MSDE JSES should collaborate and work with community partners to ensure that youth have comprehensive access to a variety of hands-on vocational education programs on-site and in the community.

During the quarter, several students at Victor Cullen had a high school diploma or GED but there is no post-secondary education available. Instead, students with a high school diploma may tutor other students in the school for pay through the World of Work program. Students who have earned a high school diploma should have access to post-secondary and vocational education as well as the World of Work program, internships, and employment opportunities on site and in the community.

Youth Centers x4

The youth centers consist of four separate staff secure (not locked and fenced) facilities for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates each of the four centers which are remotely located in Garrett and Allegheny counties. The four facilities are: Green Ridge (40-bed capacity); Savage Mountain (24 beds); Meadow Mountain (40 beds); and Backbone Mountain (48 beds). African American youth represented 74% of total entries during the third quarter of 2016, down 1% compared to the same period in 2015.

Combined Youth Centers (x4) – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	120	83	103
1. Youth on Youth Assault/Fight	22	25	42
2. Alleged Youth on Staff Assault	9	7	9
3. Physical Restraint	83	77	113
4. Use of Handcuffs and/or Shackles	32	25	31
5. Seclusion	0	1	0
6. Contraband	7	3	7
7. Suicide Ideation	8	7	7
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	3	0	0

Average daily population (ADP) at the youth centers increased by 24% in the third quarter of 2016 compared to the same period last year. Youth on youth fights and assaults increased by 68%, youth on staff assaults increased by 29%, physical restraints increased by 47%, and use of mechanical restraints increased by 24% during the same time period.

In several incidents of aggression during the quarter, youth were involved in calming down or even physically holding back other youth who were agitated while staffers waited for assistance to arrive (138093, 138810, 137805, 139246, 138896, 138060, 139936, 137785, and 137594). The Department should permanently address staffing shortages at the youth centers to ensure youth safety. Staffing levels beyond basic supervision ratios are also necessary to help establish a treatment-oriented culture. See “Staffing Shortages and Staffing Levels” section below for more information.

A significant number of physical restraints occurred during the quarter when youth were not engaged in constructive activities. In incidents 138685, 138827, 138876, 138891, 138992, 139105, and 139113, for example, arguments between youth arose out of card games or boredom on the living units and escalated into physical restraints. The Department should increase youth access to a comprehensive schedule of constructive recreational and rehabilitative programming to keep youth engaged in positive activities and reduce downtime on the living units.

Population Reduction

The Department should continue work to reduce the committed care population by expanding the availability of effective community-based interventions. When compared with placement in a residential facility, research shows that “community-based treatment is associated with better overall outcomes in terms of schooling and other markers of successful adjustment for individual young people.”³⁰ Placement in a residential facility should be reserved for the small number of high-risk juvenile offenders who have exhausted community-based alternatives. In line with best practices in juvenile justice, residential facilities should be “small, homelike facilities that are close enough to the youth’s home communities to maintain and encourage family involvement.”³¹

Staffing Shortages and Staffing Levels

While staffing shortages have improved slightly in the last quarter due to increased recruitment and hiring efforts, inadequate staffing levels continue to impact facility safety and the provision of rehabilitative services at the youth camps. Direct-care staff are routinely called upon to work overtime, which can contribute to burnout, attrition, and a negative environment. One child reported that “staff are tired and angry and they take it out on youth.”

Recruitment, hiring, and retention issues need to be permanently addressed by the Department in order to create a functional rehabilitative program at the youth centers. Without staffing levels beyond basic safety ratios, youth may be unable to receive one-on-one support from direct care workers which can leave issues unaddressed and lead to challenging behaviors. For example, a youth at one of the youth centers observed during the quarter, “I see kids acting

³⁰ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Page 23. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

³¹ Id. at page 18.

out all the time to get attention from staff or their case manager or [the superintendent].” There should be at least one staffer for every four youth, and a minimum of two staff present with youth at all times to allow for adequate supervision and individualized care of youth. A supervisor and a rover should be assigned to each living group.

Staffing levels should also be increased to allow youth to have consistent access to off-campus recreational and enrichment activities. Regular community interaction fosters a normalized environment for youth and can build decision-making, problem-solving, and leadership skills.³²

Therapeutic Programming

The Department’s behavior management system, Challenge, is not a therapeutic program and is not designed to meet children’s rehabilitative needs. Challenge entails awarding daily points and weekly rewards like snacks and hygiene products for following rules, and issuing prompts, warnings, personal restrictions, or behavior reports in response to noncompliance.

Youth report that Challenge often exacerbates power struggles between youth and staff rather than encourages therapeutic rapport. One youth reported that “Staff take points for little things,” and another youth remarked, “You can lose points for anything if they want to get you.” A youth during the quarter was barred from off campus outings because his hair was not short enough to meet Challenge personal appearance requirements. According to one youth, “they just say no and we are powerless.” Emphasis on enforcing compliance rather than building positive, nurturing, and respectful relationships with adults affects how youth view staff. As one youth stated, “Staff don’t come where we come from and just expect us to behave. They don’t understand us.”

Under Challenge, staff are oriented toward calling attention to negative youth behavior rather than trained to recognize and utilize youth strengths to aid in rehabilitative efforts. One youth remarked, “It’s easy to get a negative here and so hard to get a positive.” Another child reported, “I have ADHD and [Challenge] makes me more hyper and makes my mistakes bigger.” In addition to wanting more positive reinforcement, youth voiced requests to be able to earn back points taken during the day to make amends for past behavior.

In the absence of an evidenced-based and trauma-informed therapeutic approach, staff may fail to incorporate a youth’s underlying treatment needs in interactions with them.

In incident 137712, a youth was upset about issues he had earlier in the day and began pacing up and down the hallway of the dormitory. A staffer told the youth to calm down and return to his room. The youth grabbed a pen out of another staffer’s hand. The youth was immediately restrained. In incident 137701, a youth was called to a staffer’s office and informed that he was receiving a level demotion in the Challenge program. The youth became visibly upset. Staff then called the youth’s mother on the phone and the youth began crying when he heard her voice. The youth began hitting the window to the office. Staff restrained the child and handcuffed him until he calmed down.

³² Texas State Texas School Safety Center. “The Positive Effects of Youth Community Engagement.” <https://txssc.txstate.edu/topics/youth-leadership/articles/positive-effects-of-youth-engagement>

According to clinical experts working within juvenile justice facilities, staffers “are frequently primarily trained in behavior management and disciplinary techniques, rather than in interpersonal communication, influence, and engagement... [and] may have little awareness or understanding of youth’s histories and mental health or traumatic stress issues, and limited training in how to respond to youth in distress.”³³

Plans to replace the Challenge behavior management system with the evidence-based PBIS³⁴ system and implement the TAMAR³⁵ trauma-informed treatment modules should go forward without delay. Staff should receive intensive training in implementing effective interventions that are tailored to an individual child’s developmental and treatment needs. As one child put it, “Don’t wait for us to fall, help us.”

Family Engagement

The youth centers are located in rural western Maryland, far from most children’s homes.³⁶ Parents must travel several hours to see their children during the two-hour visitation window offered on two days of the week. Families in need of transportation assistance must first travel to a DJS site in either Laurel or Baltimore, which can add to the time of the trip. In addition, children in DJS-facilities are limited to two 10-minute phone calls per week. Youth at some, but not all of the youth centers, are able to earn home passes during their stay.

Maintaining family ties is essential when children are removed from their homes. Family contact during out-of-home placement improves youth mental health, behavior and academic performance and is associated with lower recidivism rates for juveniles.³⁷ The remote location of the youth centers in conjunction with current DJS family engagement policies hinder consistent family involvement.

The Department should revise family engagement policies to foster family involvement. The number and duration of phone calls should be increased. Visitation days and hours should be expanded and tailored to a particular family’s circumstances and schedule. Transportation services from home to the placement site should be provided. All youth should participate in home passes of gradually increasing duration while in placement to help facilitate transition to home and community life. Plans to incorporate increased family contact as part of a child’s treatment plan should go forward.

³³ Julian Ford and Margaret Blaustein. “Systemic Self-Regulation: A Framework for Trauma-Informed Services in Residential Juvenile Justice Programs.” *Journal of Family Violence*. October, 2013. Available at:

http://www.traumacenter.org/products/pdf_files/Trauma%20Services%20in%20Residential%20Juvenile%20Justice%20Settings_Ford_Blaustein.pdf

³⁴ For more information, please see: <https://www.pbis.org/>

³⁵ For more information, please see: <http://www.nasmhpd.org/content/trauma-addictions-mental-health-and-recovery-tamar-treatment-manual-and-modules>

³⁶ Most youth placed at the youth centers are from the Metro Region. See the Department’s Fiscal Year 2016 Data Resource Guide for more information: http://djs.maryland.gov/Documents/2015_Full_DRG_revised_Nov_2016.pdf

³⁷ Shanahan, R. & diZerega, M., “Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies.” Vera Institute of Justice, February 2016. p. 3 <http://www.vera.org/sites/default/files/resources/downloads/family-engagementfor-juvenile-justice-agencies.pdf>

Recreational and Enrichment Opportunities

Youth are not sufficiently engaged in productive activities during their stay at the youth camps, which can lead to excessive downtime and an unsafe environment. One youth reported, “we are bored and that’s when the horseplay starts.” Youth need ample access to outdoor recreational activities, both on and off campus -- “something to burn up our energy,” as one youth stated. Volunteer and community service activities are especially meaningful to youth, but as one remarked, “we don’t get to do it enough.” An array of recreational and enrichment activities should be provided on a consistent basis to keep kids positively engaged.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at each of the four youth centers.

Numerous youth during the quarter expressed a desire for educational experiences that would prepare them for future employment, yet classes leading to certification at the youth centers are limited to introductory courses in construction, workplace safety, food hygiene, and traffic safety. Because of education staff constraints, not all classes are available at each youth center, and classes are only offered on a rotating basis which means that youth do not necessarily have the opportunity to earn certificates in each of the courses available while in placement.

The vocational program at the youth centers should be bolstered and expanded to offer a variety of hands on vocational courses leading to nationally recognized certifications related to high demand professions. Increased education personnel, including sufficient career technology education staffing at each center is necessary to ensure consistent and comprehensive vocational instruction for students. Internships and work opportunities on campus and in the community should also be available to supplement classroom-based instruction.

Silver Oak Academy

Silver Oak Academy (SOA), located in Carroll County, is a privately operated staff secure (not locked and fenced) committed placement center licensed by the Department of Juvenile Services (DJS/the Department) to house up to 96 boys. African American youth represented 80% of total entries to SOA during the third quarter of 2016, down from 85% during the same period last year.

SOA – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	59	62	56
1. Youth on Youth Assault/Fight	11	11	23
2. Alleged Youth on Staff Assault	0	1	0
3. Physical Restraint	15	7	16
4. Use of Handcuffs and/or Shackles	0	0	0
5. Seclusion	0	0	0
6. Contraband	20	4	18
7. Suicide Ideation	1	0	0
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	0

The average daily population (ADP) during the third quarter decreased by 10% compared to the same time last year while fights and assaults and physical restraints more than doubled. Administrators at Silver Oak should increase staffing in response to the uptick in incidents of aggression.

On monitoring visits during the quarter, individual direct-care workers were observed supervising groups of ten or more youth. Insufficient staffing can cause lapses in supervision

and compromise youth safety by preventing prompt and thorough intervention into group dynamics. In the DJS investigation into incident 138828—when three youth ran away from the facility—one staffer was responsible for supervising a group of 15 youth on his own.

Increasing staffing will enable Silver Oak administrators to take affirmative steps to address ongoing concerns about bullying. An investigation by the DJS internal investigatory unit into incident (138672) indicated that a youth had run away from the facility because he had been bullied and assaulted by other youth without staff noticing.

Incident review practices should also be enhanced to help address the increase in incidents and improve safety for youth and staff. There was an incident during the quarter (138170) that involved a physical restraint of a youth by a staffer. When the child's attorney requested an investigation into the incident several weeks later, a comprehensive investigation of the incident could not be conducted because the video footage had not been stored. Silver Oak administrators had witnessed the incident but did not review the video footage.

Thorough incident review practices, including administrative review of all documentation and video footage, should be adopted at Silver Oak. Storage of incident footage is vital for investigative purposes and video footage of all incidents of aggression, including assaults and physical restraints, should be stored indefinitely in hard copy with the corresponding incident report documentation. Thorough audits of incidents can help support ongoing staff training and improve youth and staff safety.

Direct-care workers at Silver Oak are trained to implement a therapeutic treatment model based on cognitive-behavioral therapy in a school-like environment. In addition to earning high school credits, youth participate in interscholastic sports, post-secondary education, a wide variety of hands-on vocational education courses, and internships and employment both on grounds and in the community. Individual and group therapy are incorporated into the daily program and families are also required to participate in therapy sessions with youth. Silver Oak also provides aftercare services to youth to supplement DJS case management.

Addressing safety concerns by enhancing staffing and incident review procedures is necessary in order for Silver Oak to continue maintain an environment in which comprehensive educational and treatment services are provided.

J. DeWeese Carter Center

The J. DeWeese Carter Center (Carter) is a maximum security committed placement center for girls located on the eastern shore. Carter is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of fourteen girls. African American girls represented 64% of total youth entries during the third quarter of 2015, down from 71% during the same period last year.

Carter – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	11	9	6
1. Youth on Youth Assault/Fight	1	8	1
2. Alleged Youth on Staff Assault	1	4	1
3. Physical Restraint	10	29	2
4. Use of Handcuffs and/or Shackles	0	1	0
5. Seclusion	5	12	1
6. Contraband	0	1	0
7. Suicide Ideation	1	2	2
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	4	0

The average daily population at Carter during the third quarter of 2016 decreased by 33% compared to the same time last year. In the same period, fights and assaults decreased by 88% and physical restraints decreased by 93%. Mechanical restraints were not used within the facility during the quarter and seclusion was used once.

The Department's data shows that 86.2% of girls who are committed to out-of-home placement are there as a result of misdemeanor offenses and that 40% have a history of physical or sexual abuse.³⁸

According to a 2015 report published by The National Crittenton Foundation and the National Women's Law Center:

"The vast majority of girls who remain in deep-end secure placements are there as a result of experiences of violence and trauma and the failure of less secure placements to adequately address their needs; few have been found delinquent for serious person offenses. Yet, the focus of deep-end secure placement often remains on punishment rather than healthy development and healing, which runs directly contrary to what is known about the causes of girls' behavior and the social supports they need to overcome issues of violence and trauma... This lack of attention to healthy development in secure facilities leads to high rates of recidivism, with girls leaving institutions in worse shape than when they went in."³⁹

There were ten youth at Carter over the course of the third quarter of 2016. Although Carter is a maximum security facility, the most recently recorded court finding and/or adjudicated offense was for each of the ten youth was:

- Disturbing school activities or personnel
- Violation of probation (preceded by 2nd degree assault)
- Violation of probation (preceded by 4th degree burglary)
- 2nd degree assault and reckless endangerment
- Robbery and 1st degree assault
- Violation of probation (preceded by traffic violation incarcerable)
- Violation of probation (preceded by 1st degree assault)
- Violation of probation (preceded by disturbing the peace)
- Violation of probation (preceded by misdemeanor theft under \$1000)
- Misdemeanor theft under \$1000 and 2nd degree assault

The Department, the courts, and other stakeholders should collaborate to ensure widespread access to and utilization of evidence-based programs in the community over incarceration in a secure facility like Carter.⁴⁰ The Department should expand its existing capacity to connect youth to evidence-based services in the community that are designed to

³⁸ Maryland Department of Juvenile Services, FY 2016 Data.

³⁹ Sherman, Francine & Balck, Annie. *Gender Injustice: System-Level Juvenile Justice Reforms for Girls*. Portland, OR: The National Crittenton Foundation, 2015. Page 11. Available at:

<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1987&context=lsfp>

⁴⁰ Id. at 56-57.

address the underlying treatment needs of youth in the system. Access to Multi-Dimensional Treatment Foster Care (MDTFC), which has been tailored to the needs of girls by emphasizing peer relationships and been shown to reduce delinquency among girls specifically,⁴¹ should also be expanded and used in place of incarceration. Youth should not be committed to out-of-home placement absent a demonstrable risk to public safety.

Trauma and Programming

Most youth in the juvenile justice system have been exposed to trauma and, as DJS data indicates, a substantial portion of girls in Maryland who are committed to out-of-home placement have histories of either sexual or physical abuse.⁴² Plans to replace the existing behavior management system with PBIS,⁴³ provide all DJS staff with a trauma-informed training, and implement the TAMAR trauma treatment modules⁴⁴ should go forward without delay.

Other programmatic enhancements are underway at Carter, including the development of facility procedures to structure youth participation in off-grounds programming like community service. The Department should support these and other efforts by administrators at Carter to bolster the treatment culture and help keep girls engaged in constructive activities like volunteering, internship, and employment opportunities. Plans to forge connections with local community organizations, including with a nearby college for a mural project, should also go forward and be expanded.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Carter.

At the end of the quarter, six out of seven girls at Carter qualified for special education services. However, there is just one staff position responsible for providing both special education and vocational education services. MSDE JSES should collect data and evaluate the need for additional resources and add to staffing as needed to ensure consistent and comprehensive access to general, special, and vocational education services.

The availability of special education and vocational education programming is further limited when MSDE JSES uses the “transition room,” which the special education/vocational education teacher is responsible for supervising. In addition to receiving a behavior report, which precludes youth from participating in incentive programming, youth who display challenging behavior in school may be required to work individually in the transition room, sometimes for a

⁴¹ Id.

⁴² Maryland Department of Juvenile Services, FY 2016 Data.

⁴³ For more information, please see: <https://www.pbis.org/>

⁴⁴ For more information, please see: <http://www.nasmhpd.org/content/trauma-addictions-mental-health-and-recovery-tamar-treatment-manual-and-modules>

full day after the issuance of the behavior report. MSDE JSES should collaborate with DJS to implement PBIS and employ responses to youth behavior that keep students engaged in school and manifest a positive and inclusive—rather than exclusive—approach, like restorative justice or community conferencing.

Girls at Carter who have a high school diploma do not receive appropriate education programming like SAT preparation classes or access to post-secondary education. The Department and MSDE JSES should collaborate to ensure that girls have access to post-secondary education, a variety of hands-on vocational education courses on site and in the community.

DETENTION CENTERS

Baltimore City Juvenile Justice Center

The Baltimore City Juvenile Justice Center (BCJJC) is a maximum security detention center for boys. The Maryland Department of Juvenile Services (DJS/the Department) owns and operates BCJJC, which has a DJS-rated housing capacity of 120 youth. African American youth represented 94% of total entries during the third quarter of 2016, compared to 95% during the same period last year.

BCJJC – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	88	79	92
1. Youth on Youth Assault/Fight	68	76	45
2. Alleged Youth on Staff Assault	7	9	10
3. Physical Restraint	108	104	72
4. Use of Handcuffs and/or Shackles	51	33	28
5. Seclusion	48	7	2
6. Contraband	5	1	11
7. Suicide Ideation	13	1	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	1	1

Average daily population (ADP) during the third quarter increased by 16% compared to the same time last year. The increase is attributable to a 55% rise in the ADP of youth charged as adults at BCJJC. Over the same period, however, fights and assaults decreased by 41%, physical restraints decreased by 31%, mechanical restraints decreased by 15%, and seclusions decreased by 71%.

There was an allegation of sexual abuse of a youth by a staffer during the quarter (138825). The alleged conduct was discovered when another staffer on the overnight shift

walked by a living unit, saw no staff present on the unit, tapped on the window, and saw a staffer's face appear in a youth's cell. The staffer who was walking by reported the incident a week later. The involved staffer no longer works for the Department and is being prosecuted on criminal charges.

Transgender Youth in DJS Facilities

During the quarter, three transgender girls were held at BCJJC. The Department does not have distinct policies to specifically protect LGBTQ youth in the system. While BCJJC administrators made individualized arrangements for transgender girls in regards to haircare, underwear, and hygiene routines, the overall environment at BCJJC is not geared toward meeting the needs of girls. Staff are accustomed to working with boys and youth participate in activities such as Boys' Club and Rites of Passage, which specifically address issues facing young men.

According to a report published by the Center for American Progress and the Movement Advancement Project, “[p]lacing transgender and gender non-conforming youth in facilities that do not match their gender identity puts them at increased risk for harassment, violence, and sexual assault by fellow youth and staff.”⁴⁵ Furthermore, “[i]ncorrect placements also make it difficult for these youth to receive appropriate services including access to gender-specific clothing, personal care products, and medical care such as hormones.”⁴⁶

The Department has partnered with Youth Equality Alliance (YEA)—a local organization specializing in LGBTQ issues among youth—to deliver a training to a limited number of DJS facility case managers. This partnership should be expanded to encompass training for all DJS staff and the development and implementation of policies that reflect best practices in working with LGBTQ youth in the juvenile justice system.

Intensive Services Unit (ISU)

There is a self-contained and restrictive housing unit, the Intensive Services Unit (ISU), for youth who are involved in aggressive incidents and who DJS identifies as being in need of increased supports. For much of the third quarter, there were two living units being used as ISUs. A shortage of education staff limited the availability of teacher instruction to youth on both ISUs.

According to facility administrators, the increased population on the ISU was in part a result of some youth being reassigned to the ISU shortly after returning to the general population. When youth leave the ISU unit, mental health staff create an individualized guarded care plan and direct-care workers from the ISU perform routine check-ins. Mental health, direct-care, and

⁴⁵ Center for American Progress and Movement Advancement Project. “Unjust: How the Broken Juvenile and Criminal Justice Systems Fail LGBTQ Youth.” August, 2016. Page 19. <http://www.lgbtmap.org/file/lgbt-criminal-justice-youth.pdf>

⁴⁶ Id.

education staff should continue collaborative work to help youth transition off the ISU and stem the population of youth who return to more restrictive housing. Further enhancing the individualized supports during the step down process and intensifying interventions on the ISU aimed at reducing impulsivity and aggression could help facilitate more successful transitions for youth who have been assigned to the ISU on multiple occasions.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE-JSES) operates the school at BCJJC.

MSDE JSES does not have a system in place in place for accessing substitute teachers. Therefore, when a teacher went on extended medical leave beginning in May, MSDE JSES were unable to assign a long term substitute to address the vacancy. Students did not receive consistent instruction in social studies as a result.

Additionally, teacher shortages impacted the delivery of education services to youth on the ISU at BCJJC. During the quarter, there was only one instructional assistant available to cover education for both ISUs. The assistant could only provide education services to each ISU unit every other day.

MSDE-JSES should examine the distribution of personnel and other resources and assess whether it can meet the educational needs of students with the current staffing and funding levels. In the meantime, establishing a system to access a pool of substitute teachers should be a priority to reduce the impact that staffing shortages can have on the delivery of education services on a daily basis.

Youth Charged as Adults

Certain youth charged as adults are held in DJS detention centers as a result of a 2015 change in state law and collaboration between DJS and the Department of Public Safety and Correctional Services (DPSCS, the state adult corrections agency). Housing kids charged as adults in a juvenile facility has protected a substantial number of youth from being held at the adult detention center in Baltimore City without compromising safety at BCJJC.

During the quarter, youth charged as adults comprised close to 50% of the total average daily population at BCJJC. According to data from fiscal year 2015, youth charged as adults and held at BCJJC spent on average 104 days,⁴⁷ or three and a half months, in detention. Given the amount of time they are likely to spend in detention, youth charged as adults who are held in DJS facilities should have consistent access to additional educational and rehabilitative programming, such as post-secondary and vocational education courses. The Department

⁴⁷ Maryland Department of Juvenile Services. Data Resource Guide FY 2015. Page 105.
http://djs.maryland.gov/Documents/2015_Full_DRG_revised_Nov_2016.pdf

should work with the mental health provider at BCJJC and MSDE JSES to develop programming particularly tailored to the needs of youth charged as adults who are held in DJS detention centers.

While using juvenile detention centers to house kids charged as adults is an advance, Maryland law should be changed to end the prosecution of children as adults, as research indicates that charging and prosecuting kids in the adult criminal justice system creates worse outcomes for both youth and public safety.⁴⁸

⁴⁸ Steinberg, Laurence. "Adolescent Development and Juvenile Justice." Annual Review of Clinical Psychology Volume: 5 Issue: 1 (2009) p. 459-485.

Cheltenham Youth Facility

Cheltenham Youth Facility (CYF), located in Prince George's County, is a maximum security detention center owned and operated by the Department of Juvenile Services (DJS/the Department). The DJS-rated housing capacity is 115 boys. African American youth represented 73% of total entries during the third quarter of 2016, compared to 84% during the same time last year. Hispanic/Latino youth comprised 10% of youth entries, compared to 6% during the same period last year.

CYF – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	79	57	58
1. Youth on Youth Assault/Fight	42	12	32
2. Alleged Youth on Staff Assault	4	2	1
3. Physical Restraint	41	18	33
4. Use of Handcuffs and/or Shackles	9	2	8
5. Seclusion	1	0	3
6. Contraband	6	1	1
7. Suicide Ideation	3	5	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	2	1	0

Average daily population (ADP) increased slightly (2%) during the quarter, compared to the same time last year. However, the ADP of DJS youth (not including youth charged as adults who are held at CYF) decreased by 22% from 50 to 39 over the same time. Youth from Prince George's County comprised 59.4% of admissions to CYF in fiscal year 2015, compared to 64.1% in fiscal year 2014.⁴⁹ The Department and the courts should sustain these efforts to reduce the

⁴⁹ Maryland Department of Juvenile Services. Data Resource Guide FY 2015. Page 113.

http://djs.maryland.gov/Documents/2015_Full_DRG_revised_Nov_2016.pdf

Maryland Department of Juvenile Services. Data Resource Guide FY 2014. Page 111.

http://djs.maryland.gov/Documents/Full_2014_DRG.pdf

use of secure detention as research shows that “detention has a profoundly negative impact on young people’s mental and physical well-being, their education, and their employment.”⁵⁰

Increase in Incidents

While the average daily population (ADP) during the third quarter of 2016 was roughly equal to the ADP in the same time last year, fights and assaults increased by 167%, physical restraints increased by 83%, incidents involving the use of mechanical restraints increased from two to eight, and seclusions increased from zero to three. Administrators at CYF should work to enhance safety at Cheltenham by training direct-care workers to privilege the use of verbal de-escalation and processing skills over physical interventions like restraints, and ensuring that supervisory staff adhere to protocols regarding thorough incident reporting, auditing, and reviewing practices.

Use of Restraints

In incidents 139176 and 139174, a youth with serious mental health issues was with a therapist in the school. The therapist informed direct-care workers that the child had cuts on his arm from recent self-injurious behavior. The youth returned to the living unit with mental health staff and direct-care workers who were assigned to watch him and ensure he did not cause further harm to himself. The CYF “security team”—a group of staff who typically respond to incidents of aggression using interventions including physical restraints—came to the unit to conduct a search of the youth and his cell for whatever he had used to harm himself. The youth became agitated, not wanting his cell or person to be searched, and the situation escalated into a physical restraint involving several staff. Staff did not recover the object by searching the youth or his room. Shortly thereafter, the youth, who was still agitated towards staff from the first restraint, was escorted to the bathroom by the same group of security staff. That situation also escalated into a physical restraint during which the youth assaulted a staffer. After the incidents, two other direct-care staff stayed with the youth and processed with him, which led ultimately to the youth voluntarily giving them the object he used to hurt himself, which he had hidden in a blanket.

Administrators at CYF should ensure that staff responding to situations, particularly those involving mental health crises, are trained to privilege verbal processing and de-escalation techniques rather than directives and authoritative approaches. When staff suspect that a child has contraband used to self-injure, the need to recover the object should be balanced with respect for the child’s emotional state. If a search cannot be safely executed without further upsetting the child and escalating a situation, staff should be assigned to closely monitor the youth on a one-to-one basis. Whenever possible, mental health clinicians should primarily shape the response to situations such as incidents 139176 and 139174 where a youth is having a mental health crisis and staff, including the clinicians, are present and available to closely observe the youth and ensure his safety. Collaboration with mental health staff to deliver ongoing

⁵⁰ Barry Holman and Jason Ziedenberg. “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities.” Justice Policy Institute. Page 2. Available at: http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_ji.pdf

training on more effective and less traumatic techniques for addressing youth behavior should be prioritized at CYF.

Incident Reviewing and Auditing

Comprehensive review and auditing procedures are key to reducing incidents of aggression and maintaining a safe facility environment. During the quarter, there was an incident (138830) that involved an inappropriate physical restraint of a youth who staff suspected was trying to pass his medication to another child. Multiple staffers led the child—who was not presenting with aggressive behavior—into a case manager’s office where they physically restrained him, lifting him up off the floor and taking him to the ground where another staff took the medication from his hand. The nursing report from the incident states that the youth had a red area above his right eye, pain in his neck, and that he bit his lip during the restraint.

The Department’s policy states that staff may not use restraints “as a means of punishment, sanction, infliction of pain or harm, demonstration of authority, or program maintenance (enforcing compliance with directions)”⁵¹ and that restraints “shall be used as a last resort only when a youth displays behavior indicative of imminent injury to self or others, or makes an overt attempt to escape.”⁵²

A supervisor who reviewed the incident report commented that “staff did an excellent job being posted and monitoring youth” and indicated that staff talked to the youth “about contraband and the seriousness of only taking medication that’s given to youth by the nurse.” The review did not mention the restraint. Although DJS policy requires an administrative review of all incident reports within 72 hours, administrators did not review the incident report or video footage until nine days after the event and only when it was requested by monitors.

Thorough auditing practices are necessary to hold staff accountable to DJS policies, provide ongoing training to staff, and help increase safety. Administrators at Cheltenham should ensure that a comprehensive system of incident report review is in place and that supervisors responsible for conducting audits adhere to the protocol.

Programming for Youth Charged as Adults

Certain youth charged as adults are held in DJS detention centers as a result of a 2015 change in state law and collaboration between DJS and the Department of Public Safety and Correctional Services (DPSCS, the state adult corrections agency). The average daily population of youth charged as adults held at CYF increased from seven during the third quarter of 2015 to twenty during the same period this year. According to DJS data from fiscal year 2015, youth with adult charges spent an average of almost two and a half months at CYF.

Given the increase in the population of adult housing youth at CYF and the amount of time they are likely to spend in detention, DJS should collaborate with education and mental

⁵¹ Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

⁵² Md. Dept. of Juvenile Services Policy and Procedure RF-02-07.

health staff to expand programmatic offerings—such as career and life skills trainings—so that youth are engaged in constructive, rehabilitative activities during their length of stay.

Education Services

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the school at Cheltenham.

At the end of the quarter, there were vacancies for a guidance counselor position and a computer teacher. Staffing shortages prevented youth on the Intensive Services Unit (ISU, a restrictive housing unit for youth allegedly involved in aggressive incidents who DJS identifies as being in need of intensified services) from consistently receiving classroom instruction on a daily basis.

The delivery of education services was also hindered by delays in the transition from the current physical plant into a newly constructed facility on the same grounds. Regular school materials were packed to be moved in early September but DJS did not move to the new facility until mid-November. Teachers had access to limited materials when providing classroom instruction in the meantime.

The principal at CYF has established a connection with the court liaison of a nearby local school system in an effort to promote smooth transitions for students when they enter and leave DJS facilities. Collaboration with local school systems should continue as MSDE JSE and DJS work to enhance the quality of education and transition services available to youth in DJS facilities.

For more information on education services for youth in DJS facilities, see the MSDE JSES section on page 55.

Charles H. Hickey, Jr., School

The Charles H. Hickey, Jr., School (Hickey) in Baltimore County is a maximum security detention center for boys. Hickey is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 72 beds. African American youth accounted for 71% of entries in the third quarter of 2016, compared to 69% during the same period last year.

Hickey – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	38	60	45
1. Youth on Youth Assault/Fight	33	44	38
2. Alleged Youth on Staff Assault	1	4	2
3. Physical Restraint	44	78	71
4. Use of Handcuffs and/or Shackles	5	19	5
5. Seclusion	20	18	3
6. Contraband	1	5	3
7. Suicide Ideation	6	18	4
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	4	0

Average daily population (ADP) during the third quarter of 2016 decreased by 25% compared to the same time last year while youth on youth assaults declined by 14% and physical restraints decreased by 9%. Incidents involving the use of mechanical restraints and seclusion decreased significantly compared to the same time last year.

Last year, population and incidents increased substantially after an influx of staff and youth from the Alfred D. Noyes secure detention center (which was temporarily closed for renovations).

While physical restraints are down compared to the same time last year they are still considerably above incident levels during the third quarter of 2014. Efforts by Hickey administrators to further reduce the number of incidents involving aggression, restraints and seclusion through comprehensive incident review and enhanced staff training should continue. Training initiatives should focus on the use of de-escalation and supervision of youth movement throughout the facility, as the following incident indicates.

Incidents and Training

In incident 138734, a staffer restrained a child to prevent him from hitting another child. The staffer then escorted the youth to the back hallway of the unit and seated him near another staffer to “cool down.” Instead of attempting to verbally de-escalate and de-brief with the child, the staffer in charge of supervising the youth sat at a desk with her back to him and did paperwork. After a few minutes, the youth got up from his seat without the staffer noticing or responding, and walked to the front of the unit to try to assault the other youth a second time. The youth was restrained again, became agitated, and was placed in mechanical restraints and carried to his room. Staff should be trained to verbally process with youth to support their efforts to de-escalate and to help prevent incidents involving aggression.

Malfunctioning Video Surveillance System

Camera coverage enhances facility safety and security. On at least two occasions during the quarter cameras were not functioning on the units, which prevented administrators from monitoring facility operations in real-time. Ongoing issues with the camera system have also prevented comprehensive and timely audits of incidents, as required by DJS policy.⁵³ Incident 138881 involved a restraint of a child that led to an allegation of abuse. The supervisory staffer in charge of the incident audit could not access the video for review. Video footage aids in the investigation of incidents, promotes staff accountability and provides a valuable staff training tool. Ongoing technical problems with the camera system at Hickey should be permanently addressed.

Collaboration between Mental health, Education, and Direct-Care Staff

Hickey administrators have taken significant steps to promote collaboration between direct care, mental health, and education staff. Supervisors from all three areas conducted a joint training for selected resident advisors and teaching personnel during the quarter. Topics covered included the effects of trauma and mental health issues on youth behavior and strategies for behavior management that support academic success. Collaborative trainings on topics relating to the care of detained youth should continue and this practice should be expanded to other facilities.

There is one mental health clinician assigned to each housing unit, and mental health staff have been increasingly involved on the unit to help process with youth, including during crisis

⁵³ Md. Dept. of Juvenile Services Policy and Procedure MGMT-03-07

situations. In incident 138635, a youth removed his shirt and began flipping over furniture on the unit. He refused staff directives and attempts from staff to process with him. A mental health clinician arrived in the area and successfully helped the youth calm down. The youth picked up the furniture he had overturned and continued his day without further incident. The proactive utilization of mental health services on the unit for de-escalation and crisis intervention purposes should continue on a regular basis.

Mental health presence should be expanded to the school environment to provide services to children who may need help during the school day. Approximately 20% of incidents during the quarter occurred in school, including the two incidents highlighted below.

In incident 137923, a youth was tapping his pencil on the desk. A staffer requested that he stop, but he continued the behavior. The staffer took the pencil from the youth. The youth began banging on the desk with his hand. Staff assistance was called and several staffers attempted to escort the youth from the room, but the youth resisted. Staff then restrained the youth to force him out of the classroom, and the youth became further agitated. The staff brought the youth to the principal's office, out of camera view, while telling him to calm down. According to the incident report, the child continued to resist being physically restrained while in the principal's office and did not calm down until the staff who initially responded to the incident left the room. During a medical evaluation following the incident, the youth told a nurse he was slammed to the ground twice by the staffer initially involved in the incident.

In incident 137733, a youth in the school received upsetting information while meeting with his case manager. The youth attempted to leave the meeting and enter his classroom but was prevented by staff because of his visible distress. The youth refused staff directives to sit down and pushed staff away. He was restrained and escorted out of the school.

Mental health, direct care, and education staff should work together to address problematic classroom behavior and assist kids in need of additional support. A mental health clinician should be assigned to school in order to respond to crisis situations and provide crisis counseling during school hours. A designated area of the school should be allocated for de-escalation, de-briefing, and counseling, and the room should be outfitted with security cameras to guard against potential abuse.

Family Engagement Activities and Other Structured Programming

Hickey administrators have prioritized family engagement and have scheduled a family event at least once per month during the year, including a teen-parent summit day and a fall cookout. Encouraging family involvement should remain a priority given evidence that detained youth with greater family contact have reduced depressive symptoms, are involved in fewer incidents of aggression, perform better in school, and are less likely to recidivate.⁵⁴

⁵⁴ Ryan Shanahan, and Margaret diZereega. "Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies." Vera Institute of Justice. February 2016. Page 3.
<http://archive.vera.org/sites/default/files/resources/downloads/family-engagement-for-juvenile-justice-agencies.pdf>

In addition to assisting with family engagement activities, a designated manager at Hickey is responsible for organizing special programming for youth. Recent events include a poetry and spoken word contest for kids and a high school graduation ceremony celebrating both recent GED recipients and students achieving high marks in school. Future activities include plans for a community garden.

Special programming should be supplemented with productive, structured activities during after-school hours and on weekends to minimize excessive downtime on the units.

Thomas J.S. Waxter Children’s Center

The Thomas J.S. Waxter Children’s Center (Waxter) in Anne Arundel County is a hardware secure detention center for girls. Waxter is owned and operated by the Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 42 beds. African American youth represented 66% of total entries during the third quarter of 2016 compared to 81% in the same period last year.

Waxter – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	25	35	25
1. Youth on Youth Assault/Fight	30	48	23
2. Alleged Youth on Staff Assault	6	12	8
3. Physical Restraint	56	121	52
4. Use of Handcuffs and/or Shackles	3	16	6
5. Seclusion	12	15	3
6. Contraband	7	2	1
7. Suicide Ideation	41	60	25
8. Suicide Attempt	0	2	0
9. Self-Injurious Behavior	12	6	7

Average daily population at Waxter during the third quarter of 2016 decreased by 29% compared to the same time last year when population and incidents increased substantially after an influx of staff and youth from the Alfred D. Noyes secure detention center (which was temporarily closed for renovations).

Over the same period, assaults and fights, physical restraints, mechanical restraints, and seclusions decreased by 52%, 57%, 63% and 80% respectively. Suicide ideations decreased by 58% while incidents of self-injurious behavior increased slightly. Efforts by Waxter administrators to establish a safer environment through enhanced programming and

collaboration with mental health clinicians and staff from other departments within the facility should continue.

Shortages of available direct-care workers continued to hamper efforts to improve safety and security during the quarter. In incident 138861, one staffer was responsible for supervising a group of six youth. The group was in the unit dayroom with the exception of one youth who was in the bathroom. When the staffer directed the girl in the bathroom to finish her hygiene routine, the child became agitated and the situation escalated into a serious physical altercation. The staffer was unable to call for assistance and the remainder of the group was unsupervised in the unit dayroom. Another staffer happened to arrive on the unit a few moments later. She called for assistance but could not intervene in the incident because she was on a one-to-one assignment with a youth on suicide watch. Other staffers arrived shortly thereafter and separated the youth and staff.

Safety concerns can arise when staffers are posted alone with a group of youth, even when they are technically within the required staff-to-youth ratio as incident 138861 shows. Administrators at DJS headquarters should support efforts to improve safety at Waxter by bolstering staffing levels beyond standard ratios so that at least two staff are present to supervise a group of youth at all times.

The Maryland State Department of Education, Juvenile Services Education system (MSDE JSES) operates the school at Waxter. At the end of the quarter there was a vacancy for a teacher position. There is one position for a special education teacher at Waxter which is also vacant. Given the documentation demands on special educators in addition to their responsibility to deliver services, MSDE JSES should collect data to assess whether the current allotment of staff positions, including just one special education teacher, is sufficient to meet the needs of students at Waxter. For more information on education in DJS facilities, see the MSDE JSES section on page 55.

Alfred D. Noyes Children’s Center

The Alfred D. Noyes Children’s Center, located in Montgomery County, is a Department of Juvenile Services (DJS/the Department) owned and operated maximum security detention center for boys and girls with a DJS-rated capacity of 57. African Americans represented 64% of youth entries in the third quarter of 2016. Hispanic youth accounted for 22% of youth entries during the quarter.

Noyes – Selected Incident Categories	Q3 2014	Q3 2015*	Q3 2016
Average Daily Population (ADP)	29	19	32
1. Youth on Youth Assault/Fight	10	6	44
2. Alleged Youth on Staff Assault	7	4	4
3. Physical Restraint	42	23	51
4. Use of Handcuffs and/or Shackles	2	0	5
5. Seclusion	4	0	3
6. Contraband	0	0	0
7. Suicide Ideation	6	0	8
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	10

*Noyes was closed for renovations for most of the third quarter of 2015. The majority of boys who would have been detained at Noyes were held on a designated housing unit at the Charles H. Hickey Jr., School (Hickey), and girls were held at the Thomas J.S. Waxter Children’s Center (Waxter). Incident numbers for the third quarter of 2015 reflect the short time period in the beginning of the quarter when the facility was open. For this reason, incidents from the third quarter of 2016 are compared to incidents from the third quarter of 2014 (rather than the third quarter of 2015) in the paragraph below.

In comparison to the third quarter of 2014, average daily population increased by 10% while youth on youth fights and assaults increased by 340%. Physical restraints increased from 42 to 51. The use of mechanical restraints increased from 2 to 5 while the use of seclusion decreased by 1 (from 4 to 3).

Incidents of suicide ideation increased by 2 (from 6 to 8) while incidents involving self-injurious behavior increased from zero to 10 compared to the third quarter of 2014. Children with significant mental health issues should not be held in detention centers as they are best served in community based settings “given the complexities of their needs and the documented inadequacies of their care within the juvenile justice system.”⁵⁵

Staffing Shortages and Inadequate Coverage

Frequent staffing shortages at Noyes impacted facility safety, security, and operations during the quarter. Staff reported being required to work multiple double (16-hour) shifts per week due to call outs and vacancies, which can contribute to staff burnout and further attrition.

During the quarter, youth on one unit said that they were held in their rooms during morning hours one weekend because of lack of staff to provide supervision services.

The Department’s staffing ratios allow for one staffer to supervise eight youth at Noyes which means that single staffers are responsible for supervising groups of youth on their own when the unit population is eight or below. There can be delays in getting assistance to staffers who are supervising a unit on their own and when they call for help to de-escalate a situation or intervene into a fight, as other staffers may be unable to leave their assigned post in order to stay in ratio.

In incident 138161, a staff member on a unit was securing youth in their rooms during shower time. Three youth refused to enter their rooms and surrounded the staffer. The staffer called for assistance. Before assistance arrived, the youth struck the staffer several times and threw furniture at him. When a shift commander finally arrived on the unit, she instructed the injured staffer to go and relieve another staffer who could come and assist the shift commander in securing youth in their rooms. While the shift commander waited, the youth began flipping over furniture around the unit until the other staffer arrived, at which point they were secured in their rooms.

In incident 138851, a staffer on the unit called for assistance when an argument between two youth became heated and one youth began approaching another youth. While the staffer was waiting for assistance, one youth began hitting the other youth. The staffer separated the two youth and called for assistance a second time. The youth started fighting again and the staffer called for assistance a third time. The youth stopped fighting once assistance arrived.

⁵⁵ National Center for Mental Health and Juvenile Justice Policy. “Strengthening Our Future: Key Elements to Developing a Trauma-Informed Juvenile Justice Diversion Program for Youth with Behavioral Health Conditions.” January, 2016. Page 1. Available at: <http://www.ncmhjj.com/wp-content/uploads/2016/01/traumadoc012216-reduced-003.pdf>

To provide adequate supervision services and maintain youth and staff safety, staffing ratios should be increased to allow for at least two staff to be posted per unit at all times. There should always be more than one staff person supervising youth in order to ensure the prioritization of de-escalation efforts and minimize incidents of aggression and the use of restraints.

Insufficient Staff Intervention during Incidents

The following incidents indicate that staffers need enhanced training on initiating appropriate intervention measures when youth behavior poses a threat to facility security or the safety of others.

In incident 137970, a supervisory staffer entered the unit and several youth surrounded him and began pulling at him while another youth tried to exit the unit through the open door. The other staffer present on the unit did not intervene to stop the youth from pulling on the supervisor or call for assistance. The supervisory staffer stated he believed the youth were trying to grab his keys. He eventually managed to free himself from the youth and exited the unit.

During a monitoring visit to one of the units in the third quarter, a shift commander entering the unit realized that the inside lock to the unit was jammed and that no one could exit the unit without the lock being opened by staff from the outside. Youth and staff remained locked inside the unit while video was reviewed to determine the cause. The shift commander returned to the unit after some time and reported that the video showed several youth congregating near the door and fiddling with the lock after entering the unit from school that afternoon. There was one staffer assigned to oversee the unit at the time.

Staff should receive enhanced training on maintaining a structured environment on the livings units and monitoring youth movement within the facility. Additional staff training in identifying and responding to youth actions that could potentially compromise institutional security, such as preventing supervisory staff from completing their duties, attempting to leave the unit without approval, or tampering with locks, is also needed.

In Incident 137240, two youth came face to face with each other and began pushing each other. One youth tripped over a couch and the other youth then started choking the youth while both fell to the ground. The only staffer present, who was seated across the room, verbally told the youth to stop fighting, but did not physically intervene. The youth continued being choked while he attempted to fight back. After several moments, the staffer got up and attempted to separate the youth but could not pull them apart. The staffer then called for assistance. The youth were separated by another staffer who entered the unit.

Noyes staff should be well-versed in protocols for dealing with youth aggression. After calling for immediate assistance, staff should respond swiftly to separate youth engaged in an altercation to prevent serious physical harm.

Group Dynamics

Conflict between local neighborhood groups was thought to have contributed to a significant number of assaults and fights during the quarter, including two group disturbances (incidents 137439 and 139125). In incident 139125, a group of youth assaulted a youth who recently arrived on the unit. After staff broke up the fight, the aggressors were placed on seclusion for most of the day. While physical interventions, such as short-term seclusion, may be necessary as a last resort intervention when youth pose an imminent risk of harm to themselves or others, they do not provide a comprehensive response to issues underlying group conflict. Staff should receive training in managing group dynamics and in conflict resolution. The Department should utilize available community resources, such as local violence prevention and intervention specialists and community conferencing services, to further improve facility safety.

Programming

Youth reported persistent boredom on the units during after-school and weekend hours, leading to restlessness and a propensity to engage in negative behavior.

Noyes administrators have implemented various weekly and special event programming for youth who are able to demonstrate good behavior during the week. This programming should be supplemented with constructive structured activities for all youth during after school hours and on weekends. Meaningful daily incentives should be offered to youth to help promote positive behavior.

Protocols during Medical Emergencies

During the quarter, a pregnant youth with sickle cell anemia complained to staff of severe pain in the morning (starting at approximately 5:00 a.m.) and requested medical attention. However, the youth was not assessed by medical staff until 12 hours later at approximately 5:00 p.m. Medical staff determined the youth was in crisis and she was rushed to the emergency room (incident 137420).

Noyes administrators should ensure children receive immediate medical attention during situations involving potential medical emergencies.

Lower Eastern Shore Children’s Center

The Lower Eastern Shore Children’s Center (LESCC) is a hardware secure detention center located in Salisbury. LESCC is owned and operated by the Maryland Department of Juvenile Services (DJS/the Department) and has a DJS-rated housing capacity of 18 boys and six girls. African American youth represented 78% of total entries during the third quarter of 2016, compared to 71% during the same period last year.

LESCC – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	19	19	17
1. Youth on Youth Assault/Fight	10	6	14
2. Alleged Youth on Staff Assault	7	4	1
3. Physical Restraint	42	23	24
4. Use of Handcuffs and/or Shackles	2	0	0
5. Seclusion	4	0	0
6. Contraband	0	0	1
7. Suicide Ideation	15	5	12
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	1	0	0

Average daily population decreased by 11% during the third quarter of 2016 while fights and assaults increased from six to 14 and physical restraints also increased slightly. Incidents of suicide ideation increased significantly during the quarter compared to the same time last year. Mechanical restraints and seclusion were not used in connection with any incidents within the facility.

Management and staff collaborate to ensure a positive culture at LESCC. Facility staff, including administrators, direct-care workers, educational personnel, and mental health

clinicians, work together to create a safe space for kids. One child remarked, "I trust the staff" and another stated, "Staff listen and do not judge. They really care about me and my situation."

At LESCC, mental health clinicians respond when incidents arise, and also facilitate substance abuse, anger management and other groups in addition to providing individual counseling and assessment services.

The operational model at LESCC could serve as an example for the state's other facilities.

Recreational options and gender responsive programming should be further enhanced at LESCC.

Western Maryland Children's Center

Western Maryland Children's Center (WMCC), located in Washington County, is a 24-bed maximum security detention center for boys owned and operated by the Maryland Department of Juvenile Services (DJS/the Department). African American youth represented 69% of total entries during the third quarter of 2016, compared to 66% during the same time last year.

WMCC – Selected Incident Categories	Q3 2014	Q3 2015	Q3 2016
Average Daily Population (ADP)	19	20	20
1. Youth on Youth Assault/Fight	15	4	14
2. Alleged Youth on Staff Assault	1	0	0
3. Physical Restraint	37	5	24
4. Use of Handcuffs and/or Shackles	9	1	4
5. Seclusion	7	0	1
6. Contraband	1	0	2
7. Suicide Ideation	0	2	7
8. Suicide Attempt	0	0	0
9. Self-Injurious Behavior	0	0	1

The average daily population remained constant (at 20) during the quarter compared to the third quarter of 2015. Fights and assaults increased by 175% and physical restraints increased by 380% during the same time period. Use of mechanical restraints increased from one to four. Seclusion was used once during the quarter.

Incidents of suicide ideation increased compared to the third quarter of 2015. Children with significant mental health issues should not be held in detention centers as they are best

served in community based settings “given the complexities of their needs and the documented inadequacies of their care within the juvenile justice system.”⁵⁶

Plans by case management staff to provide enhanced programming--including life-skills lessons--to youth charged as adults who are held in DJS facilities should go forward. Constructive and structured groups for youth charged as adults can be particularly valuable as they tend to spend significantly more time in detention than their counterparts in the juvenile justice system.

Children who are rejected from the youth camps and other placements in western Maryland are often sent to WMCC while they wait for DJS to make further decisions on their case. Rejection, coupled with uncertainty about their future, can make this period a stressful time for these youth. Caseworkers who are knowledgeable about the transition process, should make efforts to inform youth about what to expect and provide timely updates on their status. Mental health workers should also provide additional supportive services during this time if necessary.

Youth at WMCC have limited access to outdoor green space for recreational purposes. Access to outdoor space at WMCC should be expanded for youth programming.

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) is responsible for educational and vocational instruction at WMCC. Youth with a high school diploma or GED have few post-secondary and vocational options. High school graduates should have access to online community college courses and vocational training leading to certification. The World of Work program, available at other DJS detention centers, allows youth to do chores around the facility for minimum wage. World of Work should be expanded to all DJS facilities, including WMCC. Vocational and post-secondary opportunities are especially important for youth charged as adults, who are likely to spend several months in detention.

Non-English speaking youth are assigned individual translators during waking hours while they are detained. During the quarter, one Spanish speaking youth in science class had difficulty following a video that was played in English. Individual translation services should be supplemented with accommodations for non-English speaking students, such as subtitles during video presentations, to help them understand educational content.

For more information on education services in DJS facilities, see the MSDE JSES section on page 55.

⁵⁶ National Center for Mental Health and Juvenile Justice Policy. “Strengthening Our Future: Key Elements to Developing a Trauma-Informed Juvenile Justice Diversion Program for Youth with Behavioral Health Conditions.” January, 2016. Page 1. Available at: <http://www.ncmhjj.com/wp-content/uploads/2016/01/traumadoc012216-reduced-003.pdf>

SMALLER FACILITY UPDATES

SMALLER FACILITY UPDATES

The number of incidents involving aggression at smaller facilities licensed by DJS remained low during the third quarter of 2016.

Liberty House Shelter

Liberty House is a shelter care facility in Baltimore City operated by Youth Enterprise Services, Inc. and licensed by the Maryland Department of Juvenile Services (DJS/the Department). Liberty House offers a less restrictive alternative to secure detention for up to 10 boys between 13 to 18 years old. Youth reside in a home-like environment and attend school, recreational, and enrichment activities in the community.

Morning Star Youth Academy

Morning Star Youth Academy is a staff secure (not locked or fenced) committed placement center on the eastern shore operated by Vision Quest, Inc. and licensed by DJS to house up to 24 boys.

All staff are trained to implement a trauma-informed treatment model and group process is utilized to resolve conflict among youth and between youth and staff. Youth participate in outdoor activities both on and off campus and attend events and volunteer in the community. Private contractors provide educational and therapeutic services, including group and individual counseling. An equine therapy program is available on site and a staffer has used his talent and experience as a musician to engage youth and create a production studio in a converted classroom at Morning Star.

Administrators at Morning Star should implement ongoing staff training on supervision and the treatment philosophy to ensure that new staff are able to maintain the treatment culture.

One Love Group Home

One Love Group Home (One Love) is an 8-bed group home in Baltimore City operated by Building Communities Today for Tomorrow, Inc. The home is licensed by and receives referrals from DJS. The program focuses on preparing adjudicated youth between the ages of 17 and 20 for independent living.

One Love is a comfortable, nurturing, home-like environment. Youth attend school, work, and engage in recreational and volunteer activities in the surrounding community. There is a structured points and level system allowing youth to earn meaningful rewards (walks in the community, allowance money, food from nearby community restaurants) on a daily and weekly basis. Therapeutic services, substance abuse counseling, and life skills classes are offered both on and off site. Individualized after-care planning is provided by the site director before discharge from the home to ensure successful transition to the community.

The Way Home (NOTICE OF CLOSURE)

The Way Home closed during the second quarter of 2015. The Way Home was located in west Baltimore and provided adjudicated girls with an appropriate alternative to long term placement in a more restrictive facility.

William Donald Schaefer House (NOTICE OF CLOSURE)

William Donald Schaefer House (WDSH) was a staff secure (not locked and fenced) substance abuse treatment program located in a converted home in Baltimore City. The program had the capacity to serve up to 19 adjudicated boys between the ages of 13 and 17. The facility closed during the second quarter of 2016. Youth stayed in the program for approximately 120 days. Individual and group substance abuse counseling was provided. Youth participated in various recreational, volunteer, and enrichment activities on site and in the community.

The Department has indicated that youth who would have been placed at WDSH will be sent to Meadow Mountain, a remotely located facility in western Maryland.

To better serve youth and the public safety, the Department and the courts should ensure that youth who would have otherwise been placed at the Schaefer House receive evidence-based substance abuse services in the communities where they live.

Research from outcome studies indicate that “lengthy out-of-home placements in secure corrections or other residential facilities fail to produce better outcomes than alternative sanctions” and in “certain instances they can be counterproductive.”⁵⁷ In contrast, “community-based services offer a public policy “win-win” — they achieve better outcomes than do institutional placements at lower cost.”⁵⁸

⁵⁷ Pew Charitable Trusts Issue Brief, April 20, 2015. “Re-Examining Juvenile Incarceration.”

<http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

⁵⁸ McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model. New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142. Page 21. Available at: http://www.aecf.org/m/resourcedoc/NIJ-The_Future_of_Youth_Justice-10.21.16.pdf

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

MARYLAND STATE DEPARTMENT OF EDUCATION IN DJS FACILITIES

The Maryland State Department of Education, Juvenile Services Education System (MSDE JSES) operates the schools in each of the thirteen Department of Juvenile Services' (DJS) detention and committed placement centers.

Concerns about staffing and retention continued through the third quarter of 2016 as MSDE JSES faced teacher shortages that contributed to gaps in the delivery of educational services for some students (see BCJJC, p.31; CYF, p. 36; Victor Cullen, p. 15; Waxter, p. 42).

MSDE JSE has continued to suffer from teacher shortages. During the quarter there were not enough teacher positions at BCJJC when two Intensive Services Units (designated living unit for youth allegedly involved in aggressive incidents) were open, and MSDE JSES did not provide a long term substitute to address the absence of a teacher on medical leave. At Carter, six out of seven girls at the end of the quarter were entitled to special education services. However, there is only one special educator there who doubles as the vocational education instructor and she was also responsible for an in-school suspension room at times during the quarter. There is one special educator at Waxter who is solely responsible for the delivery of services and corresponding documentation for all special education students. The position for a vocational education teacher at Victor Cullen has been vacant for several months and career technology classes have not been offered as a result. Addressing teacher shortages is necessary to ensuring appropriate delivery of education services to students and stemming teacher burnout, which can contribute to attrition.

Efforts to address retention should also include attention to agency culture. Researchers engaged in the implementation of the MSDE JSES strategic plan are administering a climate survey to teachers and students in MSDE JSES schools, the results of which should be incorporated into plans to enhance the climate and improve staff retention.

In the meantime, there needs to be a system in place for accessing substitute teachers to temporarily fill vacancies when they arise. The hiring process can take months and the number of vacancies at each school frequently fluctuates. MSDE JSE should establish a system for accessing a pool of substitute teachers as soon as possible in order to respond to staffing needs on a day-to-day basis and reduce the impact that short staffing has on the delivery of educational services.

MSDE JSES should enhance its data collection capacity and gather information such as student demographics, educational histories, and academic outcomes. Access to this information will enable JSES to make well-informed decisions about programmatic offerings, the allotment of currently available resources, and necessary changes requiring additional resources. Administrators at MSDE JSES need to engage in system-wide data collection about the needs of students and schools throughout the MSDE JSES system and ensure that decisions about resources and programming are based on the findings of that research.



The Department of Juvenile Services (DJS) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2016 Third Quarter Report and is providing the following response.

I. ACCOMPLISHMENTS FOR THE DEPARTMENT OF JUVENILE SERVICES

Department Reforms Lead to Better Outcomes for Justice-Involved Youth

Since Fiscal Year 2014, 36 percent fewer juvenile offenders were placed in out-of-home treatment programs. These reductions were accomplished safely and enhanced through the implementation of DJS's Accountability and Incentive Management (AIM) initiative. This initiative created a standardized and graduated system of responses to youth violating the technical terms of their probation. As a result, AIM has contributed to significant reductions in the number of youth being committed for technical probation violations, which were accounting for one-in-three commitments in the years prior to Fiscal Year 2016.

The department partnered with the Annie E. Casey Foundation to publish a report titled "[Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland?](#)" in January 2015. As a result of the data and conclusions drawn in the "Doors to DJS Commitment" study, Secretary Abed directed the department to review commitment recommendations and develop what is now the AIM initiative. Once AIM was implemented statewide in July 2015, the committed youth population began to decrease; comparatively 898 youth in FY14, to 573 in FY 2016. In sum, AIM has been effective in promoting a more equitable juvenile justice system.

Recently, the AIM initiative was recognized by the Center for Children's Law and Policy as a model for other states to emulate. See <http://www.cclp.org/wp-content/uploads/2016/06/Graduated-Responses-Toolkit.pdf>

Trauma-Informed Care Training for DJS Committed Placement Staff

As of the date of this writing, approximately 90 percent of department staff in our committed placement facilities have been trained in trauma informed care. The training provided staff important tools to assist youth whose past trauma affects their daily life, including contributing to their contact with the juvenile justice system. It provides an evidence-based framework to assist the department in delivering the highest quality of care and treatment for youth adjudicated by the courts to an out-of-home placement.

The National Association of State Mental Health Program Directors (NASMHPD) is training all committed facility staff in trauma informed care. NASMHPD is also training all case managers and behavioral health staff in committed facilities in a specific group intervention - Trauma, Addictions, Mental Health and Recovery (TAMAR). Trauma informed care and TAMAR are strength based models that are comprehensive and are used to create and reinforce a trauma informed care culture. NASMHPD trainers are experts in trauma and have trained staff from juvenile justice-involved and behavioral health agencies across the country. The department is proud to partner with NASMHPD to further expand the delivery of trauma informed care to DJS youth.

All Department Facilities Are Fully Compliant with PREA Standards

The department is pleased to announce that all of our detention and committed placement facilities were audited by the U.S. Department of Justice and determined to be fully compliant with the federal Prison Rape Elimination Act (PREA), Residential Facility Standards. Our commitment to complying with PREA standards reflects our commitment to a culture of safety and security within our facilities.

DJS's Re-Entry Strategic Plan Strives to Improve Outcomes for Youth Returning Home

The department's re-entry strategy works to assist youth upon release to maintain the terms of their court-ordered probation. The department's re-entry coordinators immediately begin planning for the youths' return home once the youth is committed to a treatment program. The goals of the re-entry strategy are focused on reducing recidivism, actively engaging families in the process, and creating the conditions needed for a seamless transition for youth to rejoin their communities and schools. All of these efforts require department staff to focus on each individual youth and their particular circumstances, needs, and risk levels.

Additional Comments

While the department takes pride in the progress the agency has made in improving its services and support to youth in the juvenile justice system, there are still more goals to achieve. DJS wants to continue the positive trend of treating more Maryland youth in Maryland. This strategy not only entails utilizing out-of-state programs only when necessary but making every effort to minimize ejections of youth who are already in residential treatment programs in Maryland. DJS and other stakeholders must have a higher tolerance for incidents in the department's secure facilities. Whether treatment occurs in the community or for youth who pose a risk to themselves or others in an out-of-home program, the department's ultimate goal is to treat and support the most challenging youth in Maryland.

In assessing the risk-level of a youth committed to DJS, the seriousness of a youth's adjudicated offense is just one of several factors to consider when determining the appropriate treatment program for that youth. In the JJMU's discussion of the J. DeWeese Carter Center in its 3rd Quarter Report, a list of offenses and violations of probation is provided for the 10 girls who resided at Carter during the 3rd quarter. On the surface, it would appear that most of these 10 girls placed at Carter had only minor offenses. Based on that incomplete picture, the JJMU incorrectly suggests that their placement in a hardware secure facility was a disproportionate response to their actions and inappropriate placement.

The full history, as detailed in the department's response, shows most of these 10 girls had extensive law enforcement contacts, AWOL's from group homes in the community and unsuccessful attempts at evidence-based treatment in their homes. Two of the girls were adjudicated for 1st degree assault, which by itself is a violent offense that indicates a risk to public safety. After reviewing the detailed case histories for the 10 girls, it becomes clear why they were ultimately placed at DJS's most secure facility for girls. Highlighting one offense or violation of probation for each girl as the JJMU does in its report is misleading and ignores the complexity and unique challenges that the department and the courts face when making decisions that impact boys and, especially, girls in the juvenile justice system.

Lastly, DJS takes no position on the JJMU's recommended changes to public policy as set forth in its 3rd quarter report. These public policy positions, which impact the entire statewide system, are well-beyond the statutory mandates of both DJS and the JJMU.

II. RECOMMENDATIONS FOR THE JUVENILE JUSTICE MONITORING UNIT

The JJMU Should Adopt Nationally-Recognized Audit Standards to Ensure Objectivity

- JJMU employs no discernable audit tool or method. The result is a series of varying and sometimes conflicting conclusions.

- Unverified statements from youth should not be the basis for JJMU findings. This highlights the need for uniform, objective auditing standards and tools.

The JJMU Should Use Immediately Preceding Quarters of Incident Data to Accurately Depict the Current Trends at a DJS Facility.

- The JJMU cites DJS's incident reporting data in their quarterly reports. The data is presented as a comparison between the most recent quarter and the same quarter in previous years.

- Year-to-year quarterly comparisons of incident data does not provide an accurate depiction of the stability of a program due to the individual challenges faced by youth that consequently impact the group dynamics of the facility. The characteristics of the youth population in a facility at a given point in time can vary such that comparisons to previous years do not offer reliable insight into current conditions.

- Facility incident data alone has limited value in assessing the safety and security of a DJS facility. It could mean the facility is experiencing some instability or an influx of youth who have more challenging behavior. The department is committed to managing those challenging youth.

- The JJMU should use two immediately preceding quarters of incident data to provide a better picture of the stability of a DJS facility and illustrate current trends.

COMMITTED FACILITY RESPONSES

Victor Cullen

Victor Cullen is a hardware secure facility for males, the highest security level treatment facility in the state. Youth placed at Victor Cullen have committed the most serious offenses, are highly impulsive, and pose the highest safety risk to the community. This is the most challenging population to manage. Seven youth accounted for seventy percent of the need for restraints during this period.

The department is committed to maintaining the most difficult population of youth in Maryland. The department has implemented a strategy to minimize ejections due to behavioral incidents at Victor Cullen thereby serving Maryland's youth in Maryland. The system should continue to manage those challenging youth rather than resorting to ejection.

Staff Interventions

The department's Crisis Prevention Management (CPM) technique prohibits the use of physical restraints except as a last resort and only when youth present an imminent risk of harm to themselves or others and certain other situations. For instance, in situations when youth noncompliance prohibits the orderly operation of the facility. See below for some examples.

Incident 138469 involves a youth upset about his court date. The staffer attempted to discuss the incident and gain the youth's compliance when he walked away. Relevant additional information not found in JJMU's accounting of the incident was that the youth attempted to assault the staff prior to the restraint, which is supported by a video recording of the incident.

Incident 138697 involves a youth who refused to move from one unit to another after creating a disturbance. The JJMU omitted the staff's significant efforts and time spent with the youth to deescalate the situation. The staff permitted the youth to contact a family member, and employed progressive attempts to gain the youth's compliance prior to the restraint.

Structure, Culture, and Safety

Seven youth accounted for 70% of the need for restraints during this period. This shows that most of the youth in the facility were not acting out, rather, seven youth over the quarter were extremely disruptive.

All staff at Victor Cullen is trained in Youth Mental Health First Aid, Motivational Interviewing and de-escalation techniques. In addition, staff at Victor Cullen have been trained in Trauma Informed Care.

The Department now has a specialized recruitment unit that is focused on decreasing vacancies across the system. Victor Cullen only has two vacant Resident Advisor positions to date.

In incident 137750 and 137644, the department investigated the incidents and disciplinary action was taken against the staff involved.

Incidents 138023, 138472 and 137798, involved youth who were acting out and/or displaying aggressive behaviors. These incidents occurred on the Intensive Services Unit (ISU) where youth who have exhibited the most extreme behaviors are housed. Staff performance issues were addressed through the disciplinary process.

Intensive Services Unit

Admission and discharge from ISU is well defined in the department's ISU Manual and consistently applied. ISU offers an array of services to the youth in need of specialized treatment. Incident 138023 involves a youth who was moved to ISU because "he was refusing to move with his group and not complying with staff directives." This youth ran from staff, was throwing rocks and had just recently been discharged from ISU. The JJMU's assertion that the placement in the ISU was due only to his refusal to move is inaccurate.

Structured Recreational Programming

Contrary to the second quarter JJMU report where JJMU recognized increased recreational programming at Victor Cullen, this report states youth reported a lack of engaging or constructive programming. Victor Cullen has increased the number of recreation programs this quarter with additional activities.

Unverifiable youth accounts are an unreliable source of information about facility activities. This is one reason why the department urges the JJMU to adopt objective national standards to audit facility activities.

Activities for youth include 6 hours of education every week day, at least one hour of physical activity, treatment meetings and group counseling, hygiene, meals, and rest. In addition to regular activities youth participated in:

- CHAMPS basketball tournament,
- two trips to Reflections Camping Program located at Meadow Mountain Youth Center,
- field day,
- a mural painting project,
- Fatherhood Support Group facilitated by DADS Connection, and
- Go Team Therapy Dogs, which brings dogs into the facility as a therapeutic technique to engage youth.

Therapeutic Programming

Contrary to the JJMU's assertions, Victor Cullen is currently using Community Conferencing on a weekly basis with every living unit to do a group called Dialogue Circles which includes conflict resolution and problem solving. Conflict resolution, problem solving, and relationship development are also incorporated into the behavior management programming as well as the Social Training and Aggression Replacement Techniques (START) curriculum. Every effort to resolve and restore relationships are employed to assist youth in solving their conflicts.

Victor Cullen employs a mental health clinician in each housing unit when the facility is at its 48 bed capacity. The population during the quarter averaged 26 youth. Thus, mental health counselling services had adequate staffing. One vacant position has already been filled and the other position is currently in recruitment.

Youth Centers

When youth become aggressive, staff must use physical intervention to maintain safety. JJMU cites several incidents at the Youth Centers when youth were involved in calming down or even physically holding back other youth while staff waited for assistance to arrive. JJMU makes the correlation that this is due to staffing shortages which is completely inaccurate. Youth at times have become involved in calming other youth down, which is a clear demonstration of the therapeutic culture of the facilities. Youth are taught to help one another in a positive way, but are never requested to assist with restraints.

In incidents 138685, 138827, 138876, 138891, 138892, 139105, and 139113 the JJMU alleges that restraints occurred because the youth were not engaged in constructive activities. Regular activities for youth include 6 hours of education every week day, at least one hour of physical activity, treatment meetings and group counseling, hygiene, meals, and rest. In addition to regular activities youth participated in:

- Champs basketball tournaments,
- Sports activities on campus i.e. basketball and soccer,
- Trips to Reflections Camping Program at Meadow Mountain Youth Center,
- Picking apples and peaches at local orchard,
- Fishing trips,
- Relay Walk for Life fundraiser,
- Basketball clinic at Frostburg College, and
- Attended community sporting events.

Staffing

The department created a Recruitment Unit within the Human Resources Department which was reported in the 2016 Second Quarter Report response. This unit centralized hiring activities and more quickly screens and interviews applicants. The department held its first Western Region Entry Level Training (ELT) in October which yielded great results. A total of 22 new employees were assigned to the four Youth Centers.

JJMU's recommendation of one staff to every four youth is not based on any practice or standard. Again, the department urges the JJMU to adopt national standards in its evaluation of DJS facilities to provide informed and achievable recommendations that are supported by accepted auditing standards. Additionally, JJMU staff should be trained and certified in those standards. Further, the U.S. Department of Justice endorses a staffing ratio of one staff-to-eight youth during daytime hours and one staff-to sixteen youth during night hours. See National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) 28 C.F.R. Part 115, 115.313(c) (2012).

Therapeutic Programming

As of December 6, 2016, all youth center staff has been trained in trauma informed care (TIC) by the National Association of State Mental Health Program Directors (NASMHPD). In addition, NASMHPD will also train all case managers and behavioral health staff in committed facilities in specific group intervention –

Trauma, Addictions, Mental Health and Recovery (TAMAR). These are strength-based models that are comprehensive and are used to create and reinforce a trauma informed care culture.

Presently, therapeutic programming includes START, an evidence-based aggression replacement program; Seven Challenges, an evidence-based substance abuse treatment program; and community meetings that focus on conflict resolution, relationship building, problem solving, and social skill development.

In incidents 137712 and 137701, the department determined that the restraints applied by staff were reasonable and appropriate to address the aggressive behaviors of the youth involved.

Family Engagement

The department recognizes the important role of the family and the need to have families engaged in their loved one's treatment to achieve the best outcome for youth in our care. We perform our work with a purposeful and directed effort to include family at all departmental decision points and youth individual Treatment Service Plan (TSP) reviews. Phone calls for youth in residential placements are fully funded by the department to encourage the building and strengthening of family bonds and to avoid placing additional financial burdens on families. Case managers and therapists work to facilitate family counseling and contact with family members in person, by phone, and through video conferencing. DJS recently hired a Director of Family Engagement, which is an executive-level position focused solely on developing policies and practices to further strengthen and expand the ways the department incorporates parents, caregivers, and family of DJS youth. The department has made family engagement a high priority and believes that a customer-friendly approach to keeping families connected during treatment will result in positive outcomes for youth.

Family day events are held at each facility to encourage family engagement. Prior to release, youth are given the opportunity for home visits and family counseling in preparation for their transition back to the community. Strengthening family engagement is a priority for DJS. The department's family engagement office meets with families regularly and has held and will continue to hold family focus groups to determine how the department can better serve youth and address a family's needs.

J. DeWeese Carter Center

The department is encouraged by the sustained reduction in the population of girls at the Carter Center. This progress is evident in that there was an average daily population of only six girls at Carter during the quarter. This is a result of the department's commitment to reducing out-of-home placements for youth. In regards to the JJMU's contention that ten girls in placement over the third quarter at Carter were there because of violations of probation or for minor, non-detainable offenses, the department has reviewed all of these cases and found the monitor's descriptions of each of the girls fails to account for the complete history.

The department believes that youth should be treated and supervised in the community unless they are a risk to public safety. When determining whether a youth is a risk to public safety, the level of offense is not the only factor to consider. The department and the courts have to also examine the behavior of the youth in the community. In the unabridged list below, all of the girls referenced by the JJMU had multiple AWOL's and/or multiple unsuccessful attempts at treatment in the community. Of particular note, when a youth runs from a program in the community, there is a significant risk to the safety of the youth and the

community. Youth on the run and attempting to evade police have resorted to stealing cars and engaging in other high risk behaviors that impact public and their personal safety.

Provided below is relevant information about each youth's history that resulted in their placement at Carter.

- *"Disturbing School Activities"* – Four AWOL's while on community supervision; and ejected from therapeutic group home.
- *"Violation of probation (preceded by 2nd degree assault)"* – 10 total contacts with law enforcement and 4 violations of probation. Three AWOL's from shelter and community detention.
- *"Violation of probation (preceded by 4th degree burglary)"* – 11 law enforcement contacts to include 2 auto thefts, burglary and multiple assaults. Three violations of probation filed. AWOL from group home for 3 months. Committed new offense while on AWOL; 5 total AWOL's from community programs.
- *"2nd degree assault and reckless endangerment"* – 6 total offenses and adjudicated on reckless endangerment, assault and theft, and 1 violation of probation. Ejected from therapeutic group home.
- *"Robbery and 1st degree assault"* – Adjudicated for 1st Degree Assault and Robbery. Initially placed on home electronic monitoring in the community but AWOL'ed while her hearing was pending. Was apprehended and committed to Carter.
- *"Violation of probation (preceded by traffic violation incarcerable)"* – 3 law enforcement contacts; 2 violations of probation; and 3 AWOL's from community-based placements. Unsuccessfully treated at home through evidence-based services.
- *"Violation of probation (preceded by 1st degree assault)"* – Adjudicated of 1st degree assault and AWOL'ed while on probation supervision. Placed on home electronic monitoring, and AWOL'ed. Committed to therapeutic group home and AWOL'ed.
- *"Violation of probation (preceded by disturbing the peace)"* – 5 law enforcement contacts; 3 AWOL's from community supervision. Placed twice in therapeutic group home and AWOL'ed. Was ejected from the therapeutic group home after 2nd AWOL.
- *"Violation of probation (preceded by misdemeanor theft under \$1000)"* – 7 law enforcement contacts; 1 violation of probation and 2 failed attempts at home-based evidence based services. Committed to group home in the community and AWOL'ed after 6 weeks.
- *"Misdemeanor theft under \$1000 and 2nd degree assault"* – 17 law enforcement contacts. AWOL'ed from 2 residential treatment centers (RTC) followed by an ejection from a third RTC. AWOL'ed from a therapeutic group home in the community.

In contrast to the limited information provided by the JJMU in its report, the full case histories above clearly demonstrate that most of the 10 girls residing at Carter during the 3rd Quarter had extensive law enforcement contacts, AWOL's from group homes in the community and unsuccessful attempts at evidence-based services in their homes. Highlighting one offense or violation of probation for each girl as the JJMU does in its report is misleading and ignores the complexity and unique challenges that the department and the courts face when making decisions that impact boys and, especially, girls in the juvenile justice system.

The department has successfully implemented and continues to focus on initiatives to serve low risk youth in the community, while working within the authority of the court who makes final decisions for out-of-home placements. Reforms include working with the Annie E. Casey Foundation to implement the Juvenile Detention Alternatives Initiative in Baltimore City and Prince Georges County. Detention alternatives include electronic monitoring, shelter care, evening reporting centers, the Detention Reduction Advocacy Program, the Pre-Adjudication Coordination and Training Center, and the Behavior Health Diversion Initiative. Alternatives to commitment include the CHOICE Program, Functional Family Therapy, Multisystemic Therapy, Family Centered Treatment, Multidimensional Treatment Foster Care, targeted case management, Youth Advocacy Program, and the Enhanced Disposition Program. The department also implements the Accountability and Incentive Management (AIM) Program to reduce low level technical violations.

It should be noted that the number of girls placed annually at Carter i.e. the deep end of our system is low and continues to decline: FY 2013 – 24 placements; FY 2014 – 23 placements; FY 2015 - 20 placements; and FY 2016 – 17 placements. By way of perspective for the entire juvenile justice system in Maryland in FY 2016, a total of 5,879 complaints involving females were processed. Of the 5,879 complaints involving girls, only 81 cases resulted in new commitments.

Programming

All staff has been trained in Trauma Informed Care (TIC) by the National Association of State Mental Health Program Directors (NASMHPD). In addition, NASMHPD will also train all case managers and behavioral health staff in committed facilities in specific group intervention – Trauma, Addictions, Mental Health and Recovery (TAMAR). These are strength based models that are comprehensive and are used to create and reinforce a trauma informed care culture.

The department supports youth participation in off-grounds programming. During this quarter the young ladies at Carter have earned and enjoyed many community outings for social and educational learning. Off grounds programming for the quarter included: Reflections Camping at Meadow Mountain Youth Center, Sassafras Environmental Center, Kent County Pool, Kent County Public Library, Salisbury Zoo, Chester 5 Theater and a bowling activity.

DETENTION FACILITY RESPONSES

Baltimore City Juvenile Justice Center (BCJJC)

The facility administration continues to do a good job managing a diverse population of youth, half of whom are youth charged with adult offenses.

Transgender Youth in DJS Facilities

The Department respects the sexual identity of all youth and recognizes the responsibility of addressing the special needs of LGBTQ youth while balancing the safety and security needs of all youth. At intake, all youth are administered the Vulnerability Assessment to obtain information about the youth's history and behavior to reduce the risk of victimization and/or sexually aggressive behavior towards others, as required by the Prison Rape Elimination Act (PREA), Juvenile Facility Standards. The result of this assessment is used to inform decisions regarding classification and housing placements.

Regarding hormone replacement therapy, as with any prescribed medication that a youth has when entering a DJS facility, the department will continue that medication regimen during their stay. This is just one example of the department accommodating the needs of all youth throughout their stay with DJS. The LGBTQ community is contemplated in all relevant DJS policies. It is the department's policy to place youth in facilities consistent with their sex but ensure that accommodations are made to address clothing, showering, searches, hygiene, medical and therapeutic needs.

All staff receive annual training in the agency's sexual abuse and sexual harassment policy and procedures. In addition, the department has directed the utilization of awarded grant funding from the Governor's Office of Crime Control and Prevention (GOCCP) and the Department of Justice (DOJ) to provide LGBTQ specific training for all staff. The Department contracted with Free State Justice, a LGBTQ advocacy organization who provided 8-hour training sessions in August 2016 thru September 2016. One hundred and thirty residential and community staff received training entitled "Building Safe Spaces for LGBTQ Youth", an interactive training program designed for professionals serving youth. The department is currently processing a request for bids to provide additional training funded by the DOJ grant.

All protections must be integrated in all relevant departmental policies and procedures to ensure that where youth come in contact with the system protections are mandated. Policies and procedures to protect LGBTQ youth can be found in the Admissions and Orientation, Classification, Search of Youth, Visitors and Staff, and Eliminating and Reporting of Sexual Abuse and Harassment Policy and Procedures. Additionally, all 13 facilities have been audited by the U.S. Department of Justice certified auditors and found to be in full compliance with the PREA Juvenile Facility Standards, an accomplishment that we are proud to have achieved.

Cheltenham Youth Detention Center (CYDC)

The department is proud to report that the new Cheltenham facility opened in November 2016 and youth and staff have smoothly transitioned to the state-of-the-art facility. The facility was designed specifically to national juvenile standards. Tours have occurred with legislators and stakeholders. Among the many improvements, the new facility boasts:

- increased educational space
- cutting edge learning environments
- additional treatment and programming space
- attorney visitation space
- more comfortable living quarters
- substantial increase in indoor and outdoor recreational space

- improved somatic and behavioral health space
- state-of-the-art safety and security features

Incidents

Incidents 139176 and 139174 demonstrate the dangers that contraband pose to the safety and security of youth and staff. The likelihood of danger to the youth, who had previously injured himself, was clear and a search was necessary. The JJMU does not cite any national standards in its “balancing” of youth emotions against the need to confiscate a sharpened cutting tool thereby eliminating the risk of harm to the emotionally volatile youth or others. Unmentioned by the JJMU in its description of the events are the efforts of mental health and direct care staff prior to the search to verbally de-escalate and process with the youth to prevent further harm to himself.

Incident 138830 involved the restraint of a youth who was attempting to conceal medication. The use of restraint was appropriate to recover the concealed medication from the youth. However, the technique executed by staff was inappropriate for which the staff was disciplined. Management staff was also held accountable for failure to conduct a review of the incident within 72 hours, as required.

Charles H. Hickey, Jr. School

The department appreciates that the JJMU recognizes the improved stability and operations at Hickey. Executive staff will continue to assess and assist Hickey’s management team in developing strategies in managing the behavior of youth. The management team and staff at Hickey have done an outstanding job increasing programming and opportunities for family engagement.

The department’s IT unit has been responsive to the malfunctioning video surveillance system needs at Hickey. While the system was temporarily unable to be reviewed remotely, all video feeds were recorded and available for viewing and investigation at DJS headquarters.

Thomas J. S. Waxter Children’s Center

The department recognizes the work of the Waxter administration and staff to improve facility stability and security.

Staffing

Appropriate staff to youth ratios have been maintained. Efforts by the department’s recruitment unit have significantly improved the timeframes for filling vacancies.

DJS created a Resident Advisor Recruiting Section within its Office of Human Resources. This section centralizes hiring to more quickly screen and interview applicants and place them in the department’s facilities. The department has a responsibility to hire qualified, competent staff to ensure the safety of the youth we serve, our staff and facilities and our communities and provide the treatment youth need to make better decisions in their futures and contribute positively to society. This includes passing a background check, drug screening and other pre-screening requirements to work in a juvenile facility.

Alfred D. Noyes Children's Center

Executive staff are working with facility management to develop intervention strategies to address youth behavior, to include staff training. Additionally, the department's recruitment unit has been successful in filling vacancies at Noyes. As of this writing, there are only two direct care vacancies.

The JJMU advocates diversion for children with mental health needs by partially citing a quote from the National Center for Mental Health and Juvenile Justice Policy. However, the author adds that youth with mental health needs should be diverted "whenever safe and feasible." The department agrees with the general concept. In June 2016, the Department was awarded a grant from the Annie E. Casey Foundation to implement the Behavioral Health Diversion Initiative in Baltimore City and Wicomico County. The goal of this initiative is to divert youth in need of behavioral health services out of the juvenile justice system and align them with the behavioral health supports they need in the community. Currently, the Initiative is being implemented at those two sites.

When it is not safe or feasible to divert youth and they are placed in a secure detention facility, the Massachusetts Youth Screening Inventory (MAYSI) is administered to all youth to assist in the identification of those who may require immediate mental health services. Clinical behavioral health staff complete comprehensive psychological evaluations. Youth in need of critical crisis intervention are referred to the local emergency room for assessment and stabilization. Staffing teams then seek appropriate placements to meet the needs of youth.

Incidents

The management at Noyes has provided additional crisis management, security policy and procedures review, and group conflict intervention training for direct care and supervisory staff.

The department has reviewed incidents 138161 and 138851 and determined that the staff to youth ratios was appropriate and staff responded promptly to provide assistance. JJMU does not cite any nationally-recognized standard for staff to youth ratios for which they advocate. DJS meets or exceeds all requirements for staff to youth ratios as set forth in the federal Prison Rape Elimination Act (PREA), Juvenile Facility Standards.

DJS management reviewed incident 137970 and determined that physical restraint was not warranted under the circumstances, as the JJMU seems to infer. The verbal intervention and processing was sufficient to resolve the incident.

In incident 137240, the department has concluded that the staff acted appropriately in verbally intervening, and then calling for back up before the physical intervention.

Programming

Programming for youth has been enhanced. During this quarter, four special events were held, Hispanic Heritage Week, Family Day, Fourth of July Celebration, and an End of Summer Barbeque. Weekly program activities included yoga, art programming, religious activities, and youth recognition night. These activities supplemented the daily one hour large muscle activities and games room incentives offered three times a week.

Medical Emergency

Regarding incident 137420, on June 28, the youth received a full nursing medical assessment. On the morning of June 29 at 5:00 am, the youth complained of back pain but was comfortable enough to participate in an outdoor family fun day event and jump in an inflatable moon bounce. Following the event at 5:00 pm, the youth informed staff that she was not feeling well and came inside. Soon thereafter, DJS medical staff determined that she was in Sick Cell crisis and she was transported to the local hospital.

Upon review of the incident, the department has concluded that on June 29 at 5:00 am direct care staff correctly assessed that the youth, while complaining of some pain, did not require emergency services. However, the staff should have referred the youth to the facility nurse for evaluation upon the nurse's arrival that morning. The department will reinforce with facility staff the need to report non-emergency medical situations to facility medical staff as soon as reasonably possible.

Lower Eastern Shore Children's Center (LESCC)

The department appreciates JJMU's recognition of the outstanding collaboration and work performed by the management and staff at LESCC.

Western Maryland Children's Center

Third quarter data from 2016 is consistent with historical averages. Four youth accounted for 60% of the increase in acts of aggression and restraint.

Silver Oak Academy (SOA) (Response submitted by Silver Oak)

Pages 22 and 23

1. "The average daily population (ADP) during the third quarter decreased by 10% compared to the same time last year while fights and assaults and physical restraints more than doubled. Administrators at Silver Oak should increase staffing in response to the uptick in incidents of aggression. On monitoring visits during the quarter, individual direct-care workers were observed supervising groups of ten or more youth. In the DJS investigation into incident 138828—when three youth ran away from the facility—one staffer was responsible for supervising a group of 15 youth on his own."

Response:

- *Silver Oak Academy's response to the uptick in student aggression and bullying behavior is to increase the management oversight and support of the counselors working directly with students. We have increased our focus on better procedural discipline by implementing the following procedure:*
- *Concentrated focus on staff using and training students on the use of proactive levels of intervention.*
- *Intense one on one counseling sessions (refocus process) to reduce student's escalation.*

- *Staff training on non-violence curriculum, the program will be implemented in January 2017.*
 - *Unit Managers and Case Managers will utilize office areas in the dorms to increase oversight.*
 - *We have been focused on increasing interactive supervision training with staff to decrease the opportunities for students to AWOL from the academy. The incidents mentioned above regarding AWOL were due to staff not adhering to the interactive supervision policy and procedure. The ratio was covered 1 to 8 however the one staff left the area and breached the policy and procedure. The breach in policy and procedure was addressed through the SOA disciplinary process.*
2. "Incident review practices should also be enhanced to help address the increase in incidents and improve safety for youth and staff. There was an incident during the quarter (138170) that involved a physical restraint of a youth by a staffer. When the child's attorney requested an investigation into the incident several weeks later, a comprehensive investigation of the incident could not be conducted because the video footage had not been stored. Silver Oak administrators had witnessed the incident but did not review the video footage. Thorough incident review practices, including administrative review of all documentation and video footage, should be adopted at Silver Oak. Storage of incident footage is vital for investigative purposes and video footage of all incidents of aggression, including assaults and physical restraints, should be stored indefinitely in hard copy with the corresponding incident report documentation."

Response:

The video system on campus is used as a teaching tool when an incident or intervention is handled wrong or there are some concerns shared. The video of the incidents that are of concern will be stored on an external hard drive indefinitely. All major incidents will be reviewed by the Program Director with the primary staff involved to ensure that all procedures were followed.



December 16, 2016

MSDE Response to the Juvenile Justice Monitoring Unit's 2016 Third Quarter Report

The Maryland State Department of Education (MSDE) has reviewed the Juvenile Justice Monitoring Unit's (JJMU) 2016 third quarter report in relation to the provision of educational services within Department of Juvenile Services' residential facilities. MSDE appreciates JJMU's thoughtfully written and detailed report which outlines areas of commendation but also includes recommendations for areas JJMU believes requires further support and enhancements as well.

The general section of the 2016 Third Quarter Report provides an overview of specific concerns centered upon two areas: staffing/retention and data collection. In the area of staffing, MSDE JSES acknowledges and agrees with JJMU that the hiring and retention of teachers has been problematic and the length of the hiring process continues to impact the continuity of instructional services. To address this ongoing issue MSDE JSES has expanded recruitment activities including the use of various online teacher recruitment services, obtaining a dedicated position together with appropriate funding for MSDE JSES staff designated to function as a Human Resources specialist, initiated the procurement process to obtain contracted substitute teacher services, and implementation of hiring and retention salary incentives for JSES teachers and administrators. JSES is presently completing the hiring process for remaining new positions provided this fiscal year to assist with providing direct instructional support in the areas of special education, resource, and guidance/records. MSDE JSES acknowledges that additional teaching positions might be needed and JSES has moved to "systematically examine the adequacy of current staff and resource levels" by convening a committee comprised of three Principals and the Field Director for School Administration. This committee met in early December to evaluate data (including census for the past three years, special education student enrollment, and school attendance) and begin the discussion around current trends affecting staffing needs within the schools. The staffing committee is scheduled to meet throughout the upcoming months to assist with crafting staffing requests based on the outcome of their analysis of the data and trends. This analysis combined with on-going climate surveys as well as the enhancements such as the retention incentives outlined above are central to improving overall staff retention within JSES.

In the area of data collection, MSDE JSES has historically collected and utilized student data on outcome measures as well as program data to develop and make decisions about resource allocation as well as inform budget requests. MSDE JSES is in the process of finalizing the implementation of a student information system which will broaden and streamline the collection of this data beginning in fiscal year 2018. The full implementation of this student information system will serve to provide for the effective and efficient collection of system-wide data for MSDE JSES.

MSDE Response to Facility Based Concerns

Treatment Sites

Victor Cullen

With respect to the JJMU's contention that teacher vacancies require call for a system of substitute teachers, MSDE JSES concurs. To this end, JSES has completed an Invitation for Bids (IFB) to procure the services from a qualified vendor(s) to provide substitute teachers. The implementation of such a relationship with a vendor to provide substitute teachers will allow JSES to ensure the continuity of instruction when regular classroom teachers are absent for an extended period or the position is vacant. Having the ability to provide quality, consistent and affordable substitute staff in all schools is essential to ensuring each school provides optimal educational services and promotes student achievement.

The career technology education teacher assigned to Cullen has just returned from military leave. This teacher has received the required National Center for Construction and Research (NCCER) training and is designated to provide this instruction for the students at Cullen. Given that Victor Cullen is a hardware secure facility the incorporation of outside internships is not available to students. MSDE JSES has worked collaboratively with DJS facility staff in the past to provide designated students in CTE the ability to participate in planned work related activities such as assist with Habitat for Humanity house completions. MSDE JSES is planning on continuing these types of activities for CTE students in the future. The World of Work is not a CTE related course of study and is administered through DJS not MSDE JSES.

JSES has developed a partnership with Frederick Community College for students at Cullen and other MSDE JSES schools -including detention facilities- who have earned their high school diploma have access to post-secondary options. Students have already been identified for the program which begins January 2017.

Youth Centers

The Youth Centers offer Construction Trades Professions (Core Construction). The NCCER Core Curriculum is taught within this course and is basis for all construction skills. NCCER strongly recommends that trainees successfully complete the Core Curriculum before advancing to Level I of their chosen field. The classes offered in Construction include Construction Core, Carpentry I, Carpentry II, and Electrical I. The rotating schedule provides students an opportunity to experience a variety of courses that can lead to certification.

MSDE JSES has worked collaboratively with DJS facility staff in the past to provide designated students in CTE the ability to participate in planned work related activities in the adjacent community. MSDE JSES is planning on continuing these types of activities for CTE students in the future.

J. DeWeese Carter Center

MSDE JSES has hired an itinerant special education teacher effective August 2016 to provide additional support for youth requiring specialized educational services for Carter and the Lower Eastern Shore Children's Center. This teacher supports both schools based on the needs of the students at each school.

The use of the transition room at Carter is intended as a venue for students at Carter who have difficulty in the general education classroom to have an alternative classroom setting within the school where they can receive their instructional services. This room was utilized and students provided instruction in an individualized manner outside of the general classroom setting in the cases when students' behavior was disruptive. The use of the transition room serves as a short term setting where the student can focus their attention on returning to the general education setting in an appropriate manner. The "transition room" has not been used for separate instruction since early summer 2016. The current Principal started August 31 and has not used this room at all and has not adopted its use in the behavior plan for Carter. Her approach to managing student behavior includes positive feedback as well as engaging instruction which has resulted in no behavioral instances since her assuming the position in August 2016. The interim school administrator, who served at Carter from March through August, reports that the room was used three times (for three students) during her tenure there.

Students at Carter will be able to participate in the post-secondary options provided through the Frederick Community College partnership. MSDE JSES is also continuing to explore options for providing designated online courses through Chesapeake College for qualified Carter students as well. Options for expanding CTE offerings are being developed. The development of community based work experiences or internships will need to be discussed and planned through collaboration with DJS.

Detention Sites

Baltimore City Juvenile Justice Center

With respect to the JJMU's contention that teacher vacancies call for a system of accessing substitutes, MSDE JSES concurs as previously stated. To this end, JSES has initiated the Invitation for Bids (IFB) process to procure the services from a qualified vendor to provide substitute teachers. The implementation of such a relationship with a vendor to provide substitute teachers will allow JSES to ensure the continuity of instruction when regular classroom teachers are absent for an extended period or the position is vacant. Having the ability to provide quality, consistent and affordable substitute staff in all schools is essential to ensuring each school provides optimal educational services and promotes student achievement.

It is important to note that the use of the terminology "teacher shortage" is not accurate. "Shortage" implies that the staffing assigned to the school is insufficient; MSDE JSES' issue is having unfilled vacancies.

With respect to ISU at BCJJC, instruction has been provided to the students in ISU via certified teachers. There was one ISU class in place at BCJJC, with a second added in August. Over the past quarter, ISU instruction has been provided by a variety of staff including special education teachers,

resource teacher (certified in math), and instructional assistants (IA). Staff vacancies has been an issue with scheduling, but instruction has been consistently provided using independent study supporting direct instruction.

Youth charged as adult residing at BCJJC are provided access to all educational services the same as detention students. This access includes access to CTE as well as post-secondary coursework. Additionally, MSDE JSES collaborates with DJS to provide access for students to mental health certified staff during the school day. This collaborative relationship serves to provide the students additional support in the area of mental health services.

Cheltenham Youth Facility

MSDE JSES hired a new guidance counselor for Cheltenham who assumed the position earlier this month. The current staffing compliment for CYF includes 21 positions of which 14 are direct teaching positions. As a result, CFY has adequate staffing available to meet the needs of Intensive Services Unit.

MSDE JSES concentrated efforts and resources during the transition from the old CYF school building to the new building. These efforts included: providing wireless and laptop access to ensure the records process was not delayed; extra staffing to provide assistance with moving; ensuring that students records were readily available; and the purchase and delivery of additional instructional resources.

MSDE JSES concurs that establishing connections with court liaisons is productive and can serve to enhance the transition. MSDE JSES also diligently works to develop and enhance these relationships with the local school systems (LSS) through the concerted efforts of our Coordinator for Guidance and Student Records who meets regularly with the supervisors of each LSS in order to support students' transition back to their community schools.

Charles H. Hickey Jr. School

MSDE JSES concurs with JJMU that collaboration between direct care, mental health, and education staff at Charles H. Hickey is positive and very beneficial. MSDE JSES and DJS have a longstanding co-training relationship within all facilities. JSES and DJS have historically worked together to provide professional development and required training for education staff. *PREA* and *Challenge* training and refreshers occur annually. *Trauma Informed Care* was provided this fall to all committed facility education staff. In the area of mental health services, MSDE JSES have developed this approach to providing on-site mental health services at Hickey, BCJJC, and CYF. MSDE JSES will continue to work with DJS to enhance these relationships throughout all MSDE JSES schools.

MSDE JSES appreciates JJMU's support and acknowledgment of events such as the recent poetry and spoken word activity as well as the graduation ceremony. Encouraging family engagement and the celebration of students' achievement are truly noteworthy activities. MSDE JSES is nurturing the incorporation of such activities on a consistent basis at all schools.

Thomas J. S. Waxter Children's Center

MSDE JSES is currently conducting a staffing analysis to ensure staffing at each school is sufficient to meet the needs of the students. An additional itinerant special education teacher position has been isolated for deployment between Waxter and Noyes. The addition of this teaching position will serve to enhance special education services at Waxter.

Lower Eastern Shore Children's Center

MSDE JSES concurs that Lower Eastern Shore Children's Center education staff and facility staff work collaboratively to positively provide services for the students. Having such a positive collaboration is invaluable.

Western Maryland Children's Center

The World of Work is not a JSES program. It is a program instituted and maintained by DJS. Eligible students WMCC will be able to participate in the post-secondary options provided through the Frederick Community College Partnership. JSES has posted employment opportunities for English Language Learners (ELL) teachers and has begun the interview process.